

CASE NO. 12cv 47

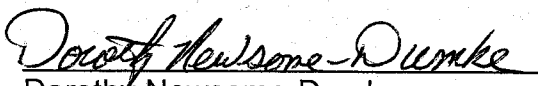
ATTACHMENT NO. 1

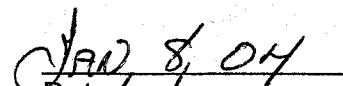
EXHIBIT

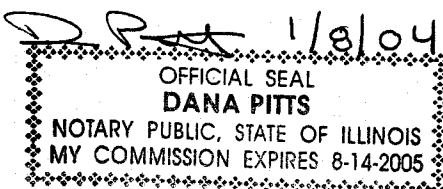
TAB (DESCRIPTION)

the night before his trial started and told me he didn't want me there because I was a witness. The day of Darrin's sentencing his lawyer told the family to expect the worst.

57. Darrin's father and his girlfriend, Joanne, and Darrin's grandfather, Donald Crumb, my husband and his aunt and uncle, my brother Basiel and his girlfriend, my sister in-law, Helen Newsome and her daughter, Karen Newsom, my mother, along with Virgie and Rick Voss, Darrin's aunt Christine and her children and Darrin's cousin, Jerrie Lynn Kiser and Darrin's girlfriend Cinda and her father, Darrin's son and I were all present at Darrin's sentencing.
58. I love my son very much. I admit that I was not a good parent and put my own needs before my son's. Looking back there are so many things I would do differently. Darrin must have felt very unwanted. You have no idea how badly I feel over what I have done.
59. Darrin's son, Dustin Shatner was born March 31, 1991. I am very close with my grandson. Dustin's mother was living with me when Dustin was born. Cinda and Dustin lived with me until Dustin was around one year old. Dustin then stayed with me two days and one night a week when Cinda worked. When Dustin started school I watched him on weekends. Dustin was around us until he moved away when he was around nine years old.
60. Dustin is a wonderful boy who lives with his mother but visits s on a regular basis. Dustin spends two months with Mark and me every summer. We are very close and we love him very much. I am very sad because of the negative effect all of this has had on Dustin.
61. Darrin has over twenty aunts and uncles and approximately 30 cousins from my side of the family. Several of these family members knew Darrin very well and would have been willing to testify at the sentencing phase of his trial. Unfortunately, none of his aunts or uncles were asked to testify and only one cousin was asked to do so. Darrin's defense attorney had several mitigation witnesses he could have utilized but for some reason chose not to use them. He did not prepare any of us who did testify at the sentencing phase. We didn't know what to do.
62. I have been under a doctor's care and on medication for depression and anxiety for thirteen years.


Dorothy Newsome-Dumke


Date, 1/8/04



PEOPLE V. SHATNER 91 CR 2026

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Dorothy Newsome, first being duly sworn under oath, deposes and under penalty of perjury, states the following as being true and correct to the best of my knowledge and beliefs:

1. That I am the biological mother of Darrin Shatner.
2. That I currently live at 26606 N.E. Lakeshore Drive, Waconda, Ill. 60084.
3. That I was born March 2, 1949.
4. That I was 18 years old when I conceived Darrin.
5. That Darrin was born July 12, 1967.
6. That I was in labor for over thirty hours with Darrin.
7. That Darrin had to be delivered with the aide of forceps.
8. That as a direct result of the forceps delivery, Darrin had facial scares as an infant and toddler.
9. That Darrin was very sickly as a baby.
10. That I had to constantly take him to the doctor because he had colic a lot.
11. That Darrin was always very hyper.
12. That Darrin always cried a lot as a baby.
13. That Darrin could not retain his formula and was constantly throwing up.
14. That once Darrin began walking, it was hard to keep up with him because he was so hyper.
15. That I felt very tied down having a baby at such a young age.
16. That I didn't have time to attend to Darrin while he was growing up so he was constantly left with the babysitter Pat Ryan.
17. That at one particular time, Pat was living with us.
18. That after Pat moved, he would keep Darrin every week-end and

all summer.

19. That when Darrin was two years old, he tried running away from home.

20. That by the time Darrin was four years old, he tried running away again by climbing out of the window and down a tree that was next to his room.

21. That although I loved Darrin, I really didn't want him because he was too sick, too hyper, and I was too young.

22. That I always felt tied down having a baby at such a young age.

23. That at the age of five, Darrin began suffering from severe headaches.

24. That at one point, his headaches became so bad that he would sit in his room and cry while holding his head and rocking back and forth.

25. That when Darrin was eight years old, my husband and I witnessed him having a bad reaction to sniffing glue.

26. That Darrin was acting in a fit of rage while constantly throwing himself against the wall of his room.

27. That when Darrin was eight years old I took him to the hospital for a brain scan.

28. That the doctors placed him on Dilantin.

29. That by the time Darrin reached ten years old, he was having bad nightmares.

30. That as a young child, Darrin would always hang out with his cousin Jerrylynne Kaiser.

31. That his cousin Jerrylynne is approximately three years older than Darrin.

32. That Jerrylynne was sniffing glue at the age of eight.

33. That at the age of twelve, Jerrylynne stole a car and took Darrin along with her.

34. That there are various family members who can attest to the fact that Darrin began sniffing glue at an early age.

35. That by the time Darrin reached thirteen years of age, he was having seizures.

36. That by the time Darrin reached thirteen years old, he had incurred several injuries from falling out of trees a lot.

37. That when disciplining Darrin, I would sometimes hit him in the head with a broom stick.

38. That I both physically and mentally abused Darrin when he was growing up.

39. That when Darrin was in his early teens, he had an episode where he began to run a high fever of about 105%.

40. That I called the pharmacist and they delivered medication to my home to treat his fever.

41. That I did not take him to the hospital for this because I had no means of transportation.

42. That Darrin's father would sometimes beat him to the point where his face would be covered with blood.

43. That Darrin always seemed to have problems in school where he couldn't seem to adjust.

44. That Darrin was placed in special education classes for dysfunctional children.

45. That if called to testify in any proceedings pertaining to the aforesaid statements, this will be my testimony.

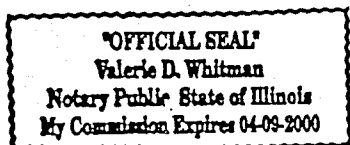
FURTHER AFFIANT SAYETH NOT.

Respectfully Submitted,

Desaeth Newsome

Subscribed and sworn to before me
this 27th day of July, 1998.

Valerie D. Whitman
Notary Public



Kiser, Jerrie Lynn

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF JERRIE LYNN KISER

I, Jerrie Lynn Kiser, being duly sworn state the following under oath:

1. Darrin Shatner is my cousin. Darrin's mother (Dorothy Newsome) and my mother (Christine (Newsome) Kiser) are sisters. I refer to Darrin's mother as my aunt Dotty.
2. My date of birth is April 4, 1965.
3. I am currently incarcerated at Robert E. Ellsworth Correctional Facility in Union Grove, Wisconsin for two felony thefts. I am enrolled in the WINSAT (Women in need of substance abuse treatment) program. This is a seven-month drug management program that also allows me to obtain my GED. Following my completion of this program, I will have four months left to serve on my sentence.
4. I have ten children.
 - Ashley (19) lives in Maple Park, Illinois and has one son.
 - Jonathan (17) lives in Chicago with his father.
 - Candice (14) is in foster care in Racine, Wisconsin. ~~Candice was with me at the time of my arrest and was placed in protective custody. She is very angry with me and doesn't want to have any contact with me at this time.~~ I am working on improving my life and I hope to make it up to her.
 - Chasty (12) lives in Florida and was adopted by my Aunt Josie and Uncle Buck.
 - Joey (12) is in a foster home in Harvey, Illinois.
 - Shanda (8) was adopted by my Uncle Can Bentley and his wife, Martha.
 - Lisa Celeste (5) was adopted by a family.
 - Josie (3) is in a foster home in Kentucky.
 - Salina (2)
 - Lisa Marie (14 months)

5. Darrin and I grew up together and had a brother/sister relationship. I spent a lot of time at his house and he spent a lot of time at my house.
6. Darrin didn't get a lot of love from his family. He was not a happy child. His parents were always busy and didn't pay attention to Darrin. I never saw them give Darrin any type of affection. I really don't think they wanted a kid.
7. Darrin was always a very caring person, who was really funny, but despite his humor, you could tell he was always unhappy.
8. Darrin's parents were always leaving Darrin alone or would make him stay with a man named Pat. Pat lived in what looked like an old dirty rundown hotel. Pat was an old, heavyset man, who wore glasses and was very scary looking. I didn't trust him. Darrin was always unhappy when he was with Pat. He'd cry and say he didn't want to go to that nasty place and couldn't understand why he had to live with Pat.
9. My mother took Darrin when she could so he could spend time with us and go on family outings. Sometimes Dotty would let him go and sometimes she wouldn't. Darrin would cry a lot because nobody cared or wanted him. He'd beg me to ask my mom to ~~adopt~~ him. I don't think I ever asked, at that time my mom had enough to worry about with my brothers and I. Darrin used to tell my brothers he wished he had a brother and they'd try to comfort him by telling him that they were his brothers.
10. Dotty's favorite name was Darrin was "little bastard". She used to slap him in the back and pull him by his hair. She was always hollering at him, sometimes before he'd even do anything. She also used to hit him with a hairbrush. Dotty always seemed angry.
11. I was the one who turned Darrin on to sniffing glue. I was around eleven or twelve and Darrin was about nine or ten. Darrin sniffed glue and I sniffed paint thinner. Darrin started to sniff glue constantly and was very heavy into it. He was always sniffing glue; it was as though he couldn't put it down. He'd be in a daze when he was high from the glue. Darrin also sniffed paint thinner. We would take a rag and dip it into the paint thinner and then sniff it. Sniffing the paint and glue numbs your brain.
12. Darrin and I ran away from home several times when we were kids. We'd be on the streets cold and scared and would go to stores and steal food to eat and take clothes to wear. Sometimes we slept in the hallways and basements of abandoned buildings. Darrin would say he didn't want to go home because nobody cared about him and he was sick of living with Pat.

Stay with us

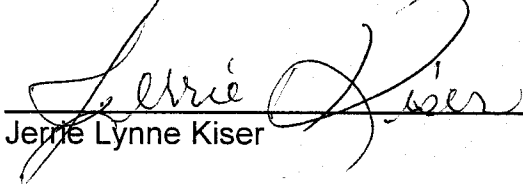
I learned to drive because my father would pass out ~~at~~ the wheel and I had to drive, because he was drunk.

13. On one occasion, Darrin and I ran away for three weeks. We were both staying at our uncle's house (James Bentley) in Hanover Park, Illinois. We stole his car and drove it until it ran out of gas in Chicago and left it there. I was around 14 and Darrin was about 12 years old when this happened. Darrin and I stayed at my boyfriend's house (John Sullivan) in Chicago.
~~* I think we were younger, I was about 13 & Darrin was 11~~
14. Darrin and I ran away approximately seven times and where gone anywhere between 3-5 days at a time, and on one occasion, we were gone for three weeks. When Dotty would catch up with us, she'd hit Darrin over the head, pull his hair, slap him in the back or hit him on the top of his head with objects, like a hairbrush. The police would pick us up and Dotty would come get Darrin, or Darrin would get picked up by a relative.
15. Something would happen to Darrin at home to cause him to run away. Whenever he'd run away, he sniffed a lot of glue and would cry while he was sniffing it. He would cry because no one wanted him and because he was scared to go back home.
16. Darrin lived with his grandmother, Agnes Bentley, a lot.
17. At home Darrin witnessed a lot of violence. ^{I heard} Don was very verbally and physically abusive to Dotty. Don used to call Dotty a Whore. I witnessed ^{one occasion} Don grab Dotty and throw her across the room. ^{or in the past} My mom would let Dotty and Darrin stay with us when Don was being physically abusive. ^{When} ^{by the hair of the throat} I witnessed the verbal abuse on a few occasions.
18. We spent a lot of time at Darrin's house. On several occasions, Darrin was in his room crying because he wasn't allowed to come out. Darrin was hyper kid and couldn't handle being in his room so he'd come out and end up getting into more trouble.
19. As we got older, Darrin lived from one place to the next. Dotty gave him his own apartment when he was seventeen. The apartment was clean but it didn't have any furniture. I think Darrin was sleeping on the floor. My boyfriend and I stayed with him for a short period of time because we were looking for drugs and didn't have a place to stay. Darrin was doing cocaine at this time. We stayed for about a week.
20. Darrin lived with my brothers, Daniel and Michael Kiser, off and on for a long time. Darrin and my brothers fought a lot. My brother tried sniffing glue and didn't like it. He liked drinking, snorting cocaine and smoking marijuana. My brother would get mad at Darrin for being high and/or for stealing from him and would kick Darrin out. I remember going to my brother's house and Darrin would be outside in his truck threatening to kill himself because nobody cared or wanted him around. Darrin spent a lot of time living in his truck.
21. Darrin also lived with my boyfriend, John Sullivan, and I for a few weeks

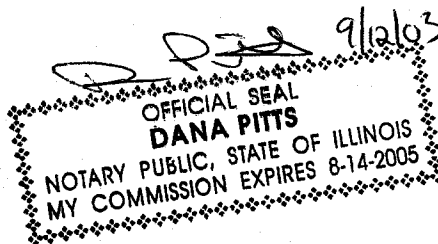
17 10
when he was about ~~13~~ or ~~14~~ years old because he didn't have anywhere else to go.

22. I was never contacted by anyone regarding Darrin's case. I was available and willing to testify on my cousin's behalf at the time of his trial and sentencing. If I had been called to testify, I would have provided the above information.

FURTHER AFFIANT SAYETH NOT


Jerrie Lynne Kiser

SWORN to and SUBSCRIBED in my presence
This 12 day of Sep 2003.



In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF JOHN CRUMB

I, John Crumb, being duly sworn state the following under oath:

1. Darrin Shatner's father, Donald (Crumb) Shatner, is my oldest brother. Darrin Shatner is my nephew.
2. Margaret McCormick and Donald Crumb are my biological parents. I was born on February 22, 1961 and I am the youngest of four children. Donald (Crumb) Shatner is my oldest brother, Thomas Crumb was my second oldest brother, and Larry Crumb is my third brother.
3. My brother Larry is a psychopath. I had a lot of girlfriends when I was in high school and one girl came by our house when I was out. Larry had sex with her and he was arrested for Statutory Rape. Larry later dated my ex-girlfriend, Jenny, and spent a lot of time in jail because he stabbed her. Larry lived with me for a while after our brother, Don, fired him after he discovered Larry was stealing from him.
4. My brother, Thomas Crumb, committed suicide on our mother's birthday in Maryland in 1995. From what I remember, Tom was upset with someone at his work because they were messing with his son. Tom went to his work and shot two people and then went to the woods and shot himself.
5. Darrin's father, Don, has also spent time in prison. I remember going to pick Don up from jail with my mom, my stepfather, Darrin and Darrin's mother, Dorothy. I believe there's something in our genes because we're all messed up.
6. Our mother left our father and us on Christmas Eve. I was really young. She came back and got me but left everyone else behind. I then got to witness her getting beat up by her boyfriends. She'd leave one guy and then go on to the next.
7. My mother married John Ocvirek when I was approximately six or seven years old. My stepfather used to hit me until I hit him back one day and then he stopped hitting me.

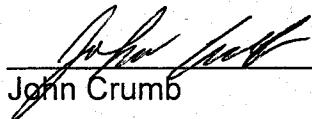


8. My mother was seeing a Puerto Rican guy when I was around six or seven years old. She would take me to his house, give me a deck of cards to play with, and then they would have sex in front of me.
9. My mother is a nutcase. She always thought someone was following her. She is also a hypochondriac. She was always suffering from something and constantly complained about everything.
10. I recall one incident that occurred when I was about nine or ten years old. My mother was in the kitchen boiling water and I was pestering her about something and she kept telling me to leave her alone. I kept bugging her so she took the hot water and threw it at me but I ducked so most of the water missed me.
11. When I was thirteen my mother sent me to Maryland to live with my father and my brothers, Larry and Tom. I really didn't know my father or my brothers at this time. My mother was going into the hospital and didn't want to leave me alone with my stepfather because he was physically abusive.
12. I lived in Maryland for approximately three years. Darrin came to stay with us for a few weeks.
13. I didn't know my father for thirteen years. I blame my mother because she was crazy.
14. My mother used to tell me that my father used to drink and hit her. My father has always been a drinker but I don't know how much of this is true.
15. My mom was living with some guy who kicked her out so she moved in with my ex-fiancé and me. My mom and my fiancé got into a fight so I had to kick her out. I don't talk to my mother and I have no idea where she is.
16. I started drinking alcohol when I was about eight or nine years old. My mom and stepfather used to give me Champaign at holidays and I like the feeling I got from drinking, it took the pain away. When I was drinking I had a clear mind, no hurt and no worries. I started using cocaine when I was around 18 or 19 years old. Smoking crack made all my worries go away. I have been clean since my incarceration. I went through a drug and alcohol treatment program that helped me understand why I needed to use drugs and alcohol to cope with life.
17. On December 11, 1999 I was incarcerated for committing eight armed robberies. My expected release date is December 1, 2003.
18. I spent time with Darrin here and there when he was growing up. Darrin's parents weren't ready for a kid. They were always pawning Darrin off on someone else. Darrin's mother, Dorothy, was always giving Darrin to her parents to take care of him.

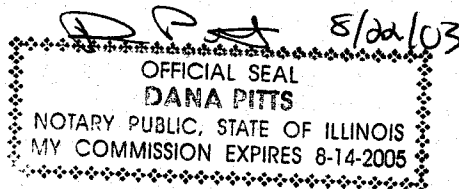


19. Darrin's parents weren't around enough. Darrin didn't have any ground rules at home and I believe it's hard for children to be good without structure. Darrin was trying to get his parent's attention but never seemed to get the affection or love he needed and wanted.
20. Darrin's father is not affectionate. He is a hard line person who cares in his own way but doesn't want to show it because showing that you care means weakness.
21. Darrin's mother, Dorothy, used to slap Darrin in the face. There was no talking with Dorothy, she was always yelling.
22. Darrin stayed with me for a few months when I was living in DesPlaines, Illinois. During this time, I got Darrin a job working with me at Pioneer Screws and Nuts Company in Elk Grove, Illinois. I kicked Darrin out after I came home one night and smelled glue and could tell Darrin was high.
23. Darrin went to his father for help after the crime and his father gave him money and told him to get out of town. After Darrin left town, he kept calling home to talk with his family and I think this is how he got caught.
24. Darrin use call me collect when he was first incarcerated.
25. I was never contacted by Darrin's lawyer to testify at trial. ^{anal/or sentencing} I was available and willing to testify on Darrin's behalf. If I had ^{been} ~~been~~ the opportunity to speak at Darrin's sentencing hearing I would have informed judge about the above. I believe Darrin is a good person who deserves a second chance at life.

FURTHER AFFIANT SAYETH NOT


John Crumb

SWORN to and SUBSCRIBED in my presence: This 22nd day of August 2003.



Crumb, Donald

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF DONALD CRUMB

I, Donald Crumb, being duly sworn state the following under oath:

1. I was born on January 8, 1923. I was the eleventh of thirteen children born to Thomas Adair and Suzie Johnson.
2. I was born and raised in West Virginia and moved to Chicago in 1950
3. I married Margaret McCormick in January of 1948. We were married for approximately sixteen years and divorced in 1964.
4. Margaret and I had four children: Donald, James Thomas, Larry and John.
5. James Thomas committed suicide around 1988.
6. I moved to Maryland in 1969 and lived there for approximately 16 years before returning to Chicago in 1985. I visited Chicago approximately 5 or 6 times during this time.
7. I was against Dorothy and Don getting married, they were too young.
8. My ex-wife, Darrin's paternal grandmother, has mental health issues. When we were together she would take off and then come back. She left for good on Christmas Eve. She wasn't satisfied with one man, she had to keep looking and had all kinds of men.
9. Darrin was always a really nice boy. He always wanted to go everywhere I went.



10. I once went to the mall with Darrin and Dorothy and Dorothy hit Darrin's head on a light pole.
11. Darrin was always staying with other people, especially his godfather, Pat Ryan. I tried to take Darrin whenever I could.

I
FURTHER AFFIANT SAYETH NOT

Donald A Crumb
Donald Crumb

SWORN to and SUBSCRIBED in my presence
This 13 day of Jan 2004.



Bentley, Agnes (Maternal Grandmother)

PEOPLE V. SHATNER 91 CR 2026

FILE COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Agnes Bently, first being duly sworn under oath deposes and under the penalty of perjury, states the following as being true and correct to the best of my knowledge and beliefs:

1. That I am the maternal grandmother of Darrin Shatner.
2. That I am the biological mother of Dorothy Newsome, Darrin's mom.
3. That I currently reside in Seco, Kentucky.
4. That I was born July 29, 1924.
5. That when Darrin was growing up, I would come to visit him at least once a year and stay for about a week.
6. That when Darrin was young, while visiting with my husband and I, he fell out of a tree and injured his head.
7. That Darrin had a big knot on his head from the fall.
8. That we had him hold a towel with ice on his head.
9. That he didn't want to go to the hospital.
10. That when Darrin was between 11 and 13 years old my husband and I caught him sniffing paint.
11. That Darrin was living with us at the time.
12. That Darrin's eyes were bugged and he looked extremely wild.
13. That after that incident, my husband told Darrin that he had to leave and go back home with his mother.
14. That when Darrin was about 10 years old, I was living in Chicago at that time, the police brought Darrin home after finding him wandering in the streets high on glue.
15. That when the police searched Darrin, they found a container of glue on him.
16. That although we knew Darrin had a drug problem at a very early age, I don't believe he ever received treatment or counseling for his problem.

17. That Darrin was always regarded by the family as acting out.

18. That it would appear that Darrin would always get into some sort of mischief in order to get attention even if it meant him getting a whipping by his parents.

19. That Darrin is basically a good person and simply grew up as a confused child.

20. That if called to testify in any proceedings pertaining to the aforesaid statements, this will be my testimony.

FURTHER AFFIANT SAYETH NOT.

Respectfully Submitted,

Agnès Bentley
Agnès Bentley

Subscribed and Sworn to before me
this 12th day of August 1998.

Linda J. Bailey, State At Large
Notary Public

My Commission Expires: 7/12/2002

State of Ky, County of Letcher

appeared before me on this 12th day

Aug, 1998 by Agnès Bentley
Notary Public Linda J. Bailey

Brucks, Karen (Juvenile Probation Officer)

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF KAREN BRUCKS

I, Karen Brucks, being duly sworn state the following under oath:

1. I was employed as a Juvenile Court Probation Officer in the state of Illinois for 32 years. I retired on August 20, 2003. I was Darrin Shatner's Juvenile Probation Officer back in 1979 and worked on his case for approximately two years. As Darrin's probation officer, I had contact with Darrin and his parents. I conducted social investigations, wrote social history reports and made recommendations to the court regarding Darrin's case. I interviewed Darrin and his parents and made home visits.
2. I was never contacted regarding Darrin's case prior to being contacted by The Capital Litigation Division. Having been employed in the same position for 32 years, it would have been easy for Darrin's defense attorney to locate me. I was available and willing to speak with Darrin's counsel at the time of his trial and sentencing.
3. I recall that Darrin's parents were very busy and not around much. They appeared to provide very little supervision for Darrin.
4. I recall having a gut feeling that something wasn't right with the family. As a juvenile court probation officer I had little leverage to do much on cases like Darrin's. I couldn't force Darrin's parents to go to counseling and/or to spend more time with their son. There weren't any consequences for them if they failed to follow through on my recommendations. I remember I felt bad for Darrin.
5. Darrin was always appropriate with me and never acted up in my presence.
6. During one of our interviews Darrin admitted that he sniffed glue but told me he had quit. I remember that I didn't believe he quit and suspected he was still sniffing glue.

RECEIVED

SEP 18 2003

CAPITAL LITIGATION DIVISION

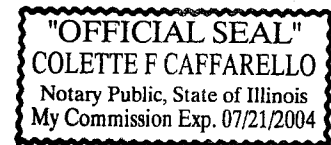
7. I remember that Darrin was a runner (He frequently ran away from home). In my experience, when a child continues to run away from home, it usually indicates that something is wrong at home.
8. I would agree with everything I wrote in my initial reports.

FURTHER AFFIANT SAYETH NOT

Karen Brucks
Karen Brucks

SWORN to and SUBSCRIBED in my presence: This 16th day of Sept · 2003.

State of IL, County of Cook
Signed before me on this 16th day
of Sept 2003 by KAREN BRUCKS
Notary Public Colette F Caffarello



Weinmann, Joann

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF JOANN WEINMANN

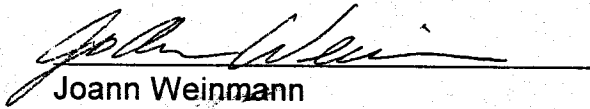
I, Joann Weinmann, being duly sworn state the following under oath:

1. I began dating Darrin Shatner's father, Donald Shatner, around 1979 and we have lived together since approximately 1980. Darrin's father moved in with my mother, my children and myself sometime around 1980.
2. I have two children from a previous marriage: Shelley, born in 1971 and Eric, born in 1976.
3. Darrin used to visit us on the weekends. He was very good with my children and looked after them. My son looked up to Darrin.
4. Darrin once stole some of my jewelry when he was staying with us.
5. I felt Darrin that therapy would have been helpful for Darrin. I had been involved in therapy with my son and felt that it was helpful. Don wasn't interested in therapy at that time.
6. I heard about Darrin using drugs, sniffing glue, but I never saw it.
7. I don't think Darrin was a bad kid.
8. Darrin's parents had a very bitter divorce. Dorothy came to our house once and she and Don got into a big fight.
9. I think Darrin felt welcomed in our house but I also feel he had some resentment. I think it was hard for him to come in to our home and see how we were all happy, and how my children were happy, and I think he felt sad because he didn't have that.

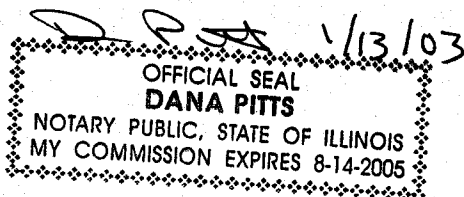
10. We do not have contact with Darrin's son, Dustin.

11. I speak with Darrin on the phone on occasion. I visited him once in prison, that was approximately five years ago.

FURTHER AFFIANT SAYETH NOT


Joann Weinmann

SWORN to and SUBSCRIBED in my presence
This 13 day of Jan 2004.



Shatner, Donald

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF DONALD SHATNER

I, Donald (Crumb) Shatner, being duly sworn state the following under oath:

1. Darrin Shatner is my biological son and my only child.
2. I was born on October 31, 1948 in Oak Hill, West Virginia. I was the first of four children born to Margaret and Donald Crumb. My family moved to Chicago, Illinois when I was approximately one year old.
3. My biological mother's maiden name is Margaret McCormick. We do not stay in contact.
4. My mother abandoned the family on Christmas Eve. I was approximately thirteen years old.
5. I helped raise my brothers after our mother left us. The only time my mother came around was when she needed something.
6. I had three younger brothers: James Thomas Crumb, Larry Crumb, and John Crumb. My brother, James Thomas, is deceased.
7. James Thomas was born around 1951. He was living in Maryland and committed suicide around 1994.
8. Larry and I are no longer on speaking terms. I got Larry a job and then he turned me in to the union. Larry has a criminal history and spent time in a Maryland jail for stabbing his girlfriend.
9. My youngest brother, John Crumb (2-21-61), was recently released from East Moline Correctional Center. John served a nine-year sentence for committing nine armed robberies. John also has a history of substance abuse.

10. The 8th grade was the last year of school I completed. I went to high school for a few days but dropped out because I had a family at home that needed me to take care of them. I worked several jobs, mowed lawns, had paper routes, etc. Later in life I was employed as a salesman, started an engraving business, and sold vending machines. I also spent a lot of time buying buildings, fixing them up and then rented them out. I am now in the heating and air conditioning business.
11. Growing up my family didn't have a lot of money.
12. I married Darrin's mother, Dorothy Newsome, in October of 1966.
13. Darrin was an unplanned pregnancy. My wife and I were young and didn't want a child. We both came from very poor backgrounds and wanted to work and make money so we could get ahead in life.
14. When Darrin was around one year old I went to jail for approximately one year. Dorothy and Darrin used to visit me.
15. Dorothy and I were together for approximately 13 years. We were separated in 1980 and divorced in 1982. There was a lot of verbal abuse in the relationship and I admit I slapped her a couple of times and I choked her once to scare her but that didn't work. Dorothy was screwing around on me.
16. I was angry about Dorothy's infidelity and tried to get back at her. I found out who one of boyfriends was and tried to scare him.
17. I changed my last name from Crumb, to Shatner, while I was married to Dorothy. There was no real reason for changing my last name except the rest of the Crumb family was always in trouble and one day I just picked the name Shatner.
18. As a child, Darrin couldn't sit still, he was mischievous, got into things, and had a hard time at school. I'm not sure if Darrin was having a hard time because of a learning disorder or because he was always getting in trouble.
19. Darrin's mother, Dorothy, was hard on him. I recall one time she asked Darrin for a glass of water and he brought her one without ice and she called him a 'little bastard.' This type of verbal abuse happened a lot.

20. Dorothy's sister, Christine, her husband and their children were always in trouble and Darrin hung around them and picked up a lot of bad habits.
21. I disciplined Darrin by spanking him and slapping him but can't recall ever beating him to a point where I feel I really hurt him.
22. Darrin tried to get my attention but it didn't work. I was too busy working and doing other things.
23. I don't think Darrin felt loved because we were too busy working and he probably felt that we didn't want him around.
24. I caught Darrin sniffing a glue rag in 1978 or 1979. I remember being really mad at Darrin because of this.
25. I met my girlfriend, Joann, approximately one month after my divorce and then lived with her, her mother, and her two children. Darrin went back and forth between his mom's house and our house.
26. There were no strong religious beliefs in our home. I am a Penacastle. We tried to go to church approximately one time per week.
27. There wasn't anyone there to teach Darrin right from wrong. My wife and I were young and neither of us had received proper parenting ourselves. Kids are little people, I didn't know that
28. When Darrin was an infant I was arrested and spent about a year in prison for armed robbery. Things were going pretty bad, I was going from one job to another and needed money. I robbed a woman with an unloaded gun and was caught.
29. I talk with Darrin on a regular basis and send him money for his painting. I haven't seen Darrin in approximately two years. I don't like going to the jail, I don't like seeing him in there.
30. Darrin started to run away when he was a little baby, he just get up and go. He'd climb out the window and go. Once when I was asleep, Darrin snuck out and our neighbors found him and brought him back. When he was around seven or eight he started to run away for longer periods of time.
31. Darrin lived with me for a brief time in Chicago when he was about fourteen or fifteen. I wasn't able to control him and he ran away to California.

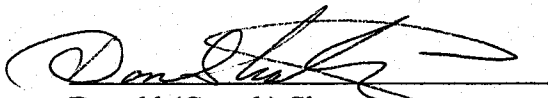
32. I tried to be a good father by providing and caring for Darrin. I feel I failed and could have been a better father. I was against therapy, we tried it once and it didn't work, so I didn't want to do it again.

33. Darrin came to me after the incident, told me he was in trouble, but didn't tell me what he had done. I gave him some money and told him to get out of town.

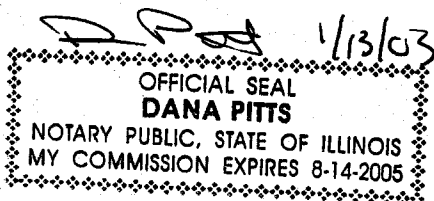
34. Darrin's lawyer didn't prepare me for my testimony at sentencing, he just told me to "go and say you neglected your son."

35. I feel Darrin deserves a second chance. He's a good kid who made a bunch of bad decisions. I don't think Darrin ever had a chance to see the good side of people, he was around to many people who argued, did drugs and weren't good influences. He had a traumatic life. Darrin is not an evil person; he did things to get attention.

FURTHER AFFIANT SAYETH NOT


Donald (Crumb) Shatner

SWORN to and SUBSCRIBED in my presence
This 13 day of Jan. 2004.



PEOPLE V. SHATNER 91 CR 2026

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Donald Shatner, first being duly sworn under oath, deposes and under penalty of perjury, states the following as being true and correct to the best of my knowledge and beliefs:

1. That I am the biological father of Darrin Shatner.
2. That I currently reside at 3700 W. Agetite, Chicago, Ill.
3. That I was born on 10/31/48.
4. That I was 17 years old when I married Darrin's mother Dorothy.
5. That I was 18 years old when Darrin was born.
6. That Darrin grew up feeling unwanted and unloved.
7. That I really didn't have time for Darrin while he was growing up.
8. That when my wife and I went on vacation, we would leave Darrin behind with Pat Ryan.
9. That Pat Ryan was a close friend of my family.
10. That Darrin was both physically and mentally abused by both myself and his mother while growing up.
11. That there was one particular incident where Darrin's mother had told Darrin to bring her a glass of water, and because he neglected to put ice in it, she slapped him and called him a son of a bitch.
12. That because Darrin was so hyper and always doing things he shouldn't have, he was disciplined a lot.
13. That it is my belief that Darrin acted out for attention.
14. That as parents, neither my wife nor I gave Darrin much attention.
15. That when Darrin was young, his mother worked in a bar as a go-go dancer.
16. That my wife and I would always fight in front of Darrin.

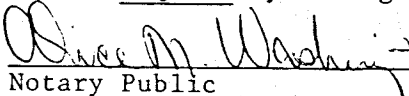
17. That my wife and I eventually separated and divorced due to her infidelity.
18. That when Darrin was young, he would have nightmares all of the time that the devil was coming to get him.
19. That Darrin was always seeing things. It was as though he was hallucinating.
20. That we ultimately sent Darrin to Military School because we simply did not have time for him.
21. That although both my wife and I knew that Darrin was abusing drugs, we never admitted it to anyone, nor did we seek help for Darrin's problem. He was simply placed from one residential facility to the next.
22. That because Darrin use to lie to me, I began to resent him.
23. That I was never asked by the trial attorney, whether or not my wife and I had ever tried to get help for Darrin's drug problem.
24. That my wife and I paid Mr. Cheronis to represent Darrin at the initial trial phase of this case.
25. That during the time of the trial, Mr. Cheronis instructed my family and I not to come to trial and I thought it was some sort of stradeegy move so I didn't ask any questions.
26. That the only time I was in court was at the sentencing hearing.
27. That I was instructed by Mr. Cheronis to take the witness stand at the sentencing phase and state that I use to beat Darrin, was very abusive to Darrin and that I was not a good father.
28. That after Cheronis lost the case, he asked for additional money to file the appeal.
29. That Mr. Cheronis never prepared me for being a witness at the sentencing phase of the trial.
30. That if called to testify in any proceedings pertaining to the aforesaid statements, this will be my testimony.

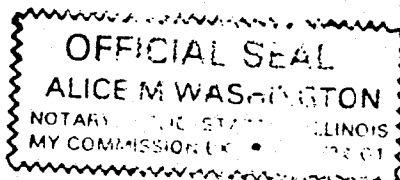
FURTHER AFFIANT SAYETH NOT.

Respectfully Submitted,


Donald Shatner

Subscribed and sworn to before
me this 1st day of August, 1998.


Notary Public



January 22, 1995

Kim Robert Fawcett
Assistant Defender
STATE APPELLATE DEFENDER
FIRST JUDICIAL DISTRICT
100 W Randolph, Suite 5-500
Chicago, IL 60601

RE: Darrin Shatner B 42950
October 16, 1990 Arrest and Interrogation - LSD
Intoxication - involuntary waiver of rights

Dear Mr. Fawcett:

I reviewed your statement of facts for the appeal in preparation for my private contact interview and examination of Darrin at the Pontiac Correctional Center on Saturday, January 7, 1995. The interview lasted approximately 2.5 hours.

This report is to document and express my opinions regarding the effect of intoxicating drugs experienced by Darrin at the time of his arrest and interrogation by the FBI in 1990.

In order to fully appreciate the acute drug effects, it was necessary to conduct an in-depth interview regarding his prior drug use, the effects experienced, his "drugs of choice", amounts consumed, adverse effects, affects on social relationships, and effects on physical health.

He described abusing glue, Toluene, and a substance like tolouence (TOLY) beginning in his early teens and continuing for several years. He described acute toxicity as the "echo zone", wherein he experienced auditory hallucinations, distorted and confused thought, extreme disorientation. He started abusing marijuana and hashish at age 13, and described this as his drug of choice for his teen-age years, smoking everyday, as much as he could get his hands on. The marijuana made him mellow, "giggly", laid back, and generally "feel good".

KIM ROBERT FAWCETT

RE: DARRIN SHATNER

January 22, 1995

His abuse of alcohol was primarily on weekends during his adolescence, becoming intoxicated almost weekly. He liked the high from alcohol. Alcohol made him braver, he responded or rather hyper-responded to any social interaction, and found himself frequently in fights while intoxicated from alcohol. He occasionally experienced blackouts

Darrin began using cocaine around his 18th birthday. His method of cocaine consumption was nasal insufflation (snorting) and later occasional smoking. He described a frequent and consuming use of cocaine beginning at age 18 and continuing and escalating up to September 1, 1986, the day of the murder of Greg Schneider. He experienced the high as a "pick-up" and extremely pleasurable. He described the cocaine effect as "pumped up", the use resulted in more and more craving for more cocaine, even during the period of intoxication and "high". He described a compelling need to continue to use more and more cocaine. His life revolved around the cocaine use. In my opinion, he was psychologically addicted to cocaine. On the day of the murders, Jean Rogoz introduced him to intravenous cocaine, his first experience. he described this IV cocaine as "heavenly, rush, like nothing ever done, better than free-basing" He started out with three IV shots, eventually using 10 IV shots throughout the evening of the incident. He described excitement, he described intense "Jonesing", which to the addict is the extreme craving to get more drug to maintain the high, a drug seeking behavior that is somewhat unique to cocaine; that is, the intoxicant is seeking more drug while intoxicated".

For a few years after the incident while Darrin was a fugitive, he lived in Florida and Massachusetts, travelled with the Grateful Dead, and his drug of choice turned to "acid", LSD, Lysergic Acid diethylamine - an hallucinogen. His first use of LSD was at age 16. This was now his drug of choice (post incident). He "loved 'acid'" His first heavy trip, he hallucinated, visual perceptions, distortions were experienced. The moon and stars melted into the ocean, The waves became thick. His "trip lasted 8-10 hours. Darrin used LSD several times a day

He abused the LSD and other hallucinogens during this period and subsequently moved to Hawaii, where he sold and used LSD. A move to Oregon, continued use of alcohol, marijuana, LSD leading up to the time of his arrest.

INTOXICATION ON EVENING OF ARREST

On the evening that Darrin had been arrested, he had consumed several beers, some marijuana was smoked, and he consumed several "hits" of LSD. He had planned the "trip" and the timing of the

KIM ROBERT FAWCETT

RE: DARRIN SHATNER

January 22, 1995

dose, as he was on his way to the park, and liked to experience his highs in natural surroundings. He was arrested at about the time the LSD was taking effect, and he was experiencing the "mind-altering" effects during the time the drug was working.

Darrin told me that he was unable to read during the interrogation; he tried to conceal and did not admit to his recent drug use. He was experience great amounts of psychic energy, everything felt and appeared fuzzy, his mind was moving fast and his thinking(in his opinion) was quick. He was trying to hurry up and get out of the (interrogation) room. He had not control of the situation, and he felt that he could gain control by getting out of the room. He felt that he would have "freaked" if he had stopped talking.

In my opinion, Darrin was experiencing extreme intoxication and impairment from LSD at the time of his questioning by the FBI. LSD causes alterations and disturbances in thinking, disorientation, visual and auditory hallucinations, and a variety of psychopathological effects. In my opinion, Darrin would not have been able to understand his right to remain silent and to have an attorney present and would not have been able to voluntarily waive these rights. In my opinion, he was so controlled by the effects of LSD that his actions were involuntary, that is, he was so intoxicated and impaired that his waiver of his rights was not the product of his free will and was involuntary.

LSD

LSD causes a feeling of depersonalization and loss of body image. Subjects usually notice a change in their perceptions of their environment; they may notice that walls and other objects become a bit wavy or seem to move. Colors may appear to be much brighter and more intense. Pseudo-hallucinations are common. Another outstanding perceptual change is synesthesia - one sensation merges into another, and one sense into another, so that the individual may report being able to taste color or touch sound. Sometimes an individual thinks he/she sees the actual notes of music moving or colors beating in rhythm with the music. Intense mood changes are experienced under the influence of LSD. An early stage in the LSD experience my often be euphoric. Time stands still; also past, present, and future frequently become mixed up. It is well known that the type of experience one may achieve under the influence of LSD depends greatly on one's personality structure, one's "set" or attitude prior to the experience and the environment in which the drug experience takes place.

LSD users often seem to themselves to be conversing on a high, philosophical level, although they may be making no apparent

KIM ROBERT FAWCETT

RE: DARRIN SHATNER

January 22, 1995

sense to the listener. Paranoia may be generated, exhibiting itself in fear of friends, police officers, and other real or imagined people who are "following" or "watching" the subject.

Despite the profound effects of the drug, the recognition of sensations remains intact, and the individual can perform coordinated acts. For many individuals, the LSD experience is so terrifying that the drug might be listed as one of the most dangerous known. Severe abnormal reactions have occurred when LSD was taken. The psychotogenic effects of LSD in normal individuals were considered comparable to clinical schizophrenia. Investigators have shown that LSD produces psychosis, which may be short or long in duration. LSD administered in a therapeutic setting shows a lessening of ego defensiveness, loosening of intellectual controls, better relations with the individuals present at the time of the experiment, and increased emergence of unconscious material.

In summary, the psychic effects of LSD include

- excitation,
- changes in behavior and mood-euphoria, depression,
- megalomania,
- perceptual disturbances,
- disturbances in thought process, cognition, objective and subjective structural organization, and size and body image.
- Depersonalization, hallucinations, schizophrenia-like states

Considering the duration and acuity of Darrin's polydrug and alcohol use, I would expect that Darrin Shatner had suffered from some organic brain damage as a result of his long term drug use. For a several year period he regularly ingested large amounts of alcohol, cocaine, and LSD and other intoxicants leading to acute and prolonged intoxication. The scientific literature for the past 60 years is abundant with reports, descriptions, studies, and analyses describing the toxic effects of chronic and excessive drug and alcohol abuse, some descriptors of which are enumerated as follows:

- behavioral impairment
- amnesia
- permanent organic brain syndromes, brain cell injury
- permanent decreased intellectual functioning (cognitive impairment)
- Any psychiatric symptom (paranoia, delusions, hallucinations, depression)
- aggression, tendency toward violence, rage, alienation
- inhibition removal

KIM ROBERT FAWCETT

RE: DARRIN SHATNER

January 22, 1995

denial of inner and outer reality
defenses of reversal and externalization
conflicted self directed aggression
severe family psychopathology
confusion
depersonalization
malnutrition, severe abdominal pain
movement disorders

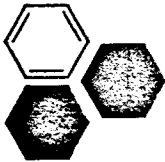
Please call if you have any questions.

Very truly yours,

James O'Donnell, PharmD, MS
Diplomate, American Board of Clinical Pharmacology

Please call ~~if you have any~~ questions.

- References -



Dr. James O'Donnell

Pharmacology • Pharmacy Practice • Nutrition

April 11, 1998

Diplomate, American
Board of Clinical
Pharmacology

Member, American
College of Clinical
Pharmacology

Member, American
College of Clinical
Pharmacy

Fellow, American
College of Nutrition

Certified, Board
of Nutritional
Specialists

Member, Academy
of Clinical
Toxicology

Editor, Journal
of Pharmacy
Practice

Alice Washington
Forensic Social Worker
ILLINOIS STATE APPELLATE DEFENDER
CAPITAL LITIGATION DIVISION
600 W. Jackson, Suite 600
Chicago, IL 60661

Ph 312-814-5100 fax 5951

RE: Darrin Shatner B 42950

Dear Ms Washington:

I reviewed the following materials in preparation for this report:

- statement of facts for the appeal
- notes taken in myprivate contact interview and examination of Darrin Shatner at the Pontiac Correctional Center on Saturday, January 7, 1995.
- autopsy and toxicolgy of the decendent/victim
- statements given to the police

This report is to document and express my opinions regarding the effect of intoxicating drugs experienced by Darrin at the time of the commission of the crime.

In order to fully appreciate the acute drug effects, it was necessary to conduct an in-depth interview regarding his prior drug use, the effects experienced, his "drugs of choice," amounts consumed, adverse effects, affects on social relationships, and effects on physical health.

Darrin Shatner described abusing glue, Toluene, and a substance like toluene (TOLY) beginning in his early teens and continuing for several years. He described acute toxicity as the "echo zone," wherein he experienced auditory hallucinations, distorted and confused thought, extreme disorientation. He started abusing marijuana and hashish at age 13, and described this as his drug of choice for his teen-age years, smoking everyday, as much as he could get his hands on. The marijuana made him mellow, "giggly," laid back, and generally "feel good."

His abuse of alcohol was primarily on weekends during his adolescence, becoming intoxicated almost weekly. He liked the high from alcohol. Alcohol made him braver, he responded or rather hyper-responded to any social interaction, and found himself frequently in fight while intoxicated from alcohol. He occasionally experienced blackouts.

Darrin began using cocaine around his 18th birthday. His method of cocaine consumption was nasal insufflation (snorting) and later occasional smoking. He described a frequent and consuming use of cocaine beginning at age 18 and continuing and escalating up to September 1, 1986, the day of the murder of Greg Schneider. He experienced the high as a "pick-up" and extremely pleasurable. He described the cocaine effect as "pumped up," the use resulted in more and more craving for more cocaine, even during the period of intoxication and "high." He described a compelling need to continue to use more and more cocaine. His life revolved around the cocaine use. In my opinion, he was psychologically addicted to cocaine. On the day of the murders, Jean Rogoz introduced him to intravenous cocaine, his first experience. He described this IV cocaine as "heavenly rush, like nothing ever done, better than free-basing." He started out with three IV shots, eventually using 10 IV shots throughout the evening of the incident. He described excitement. He also described intense "Jonesing," which to the addict is the extreme craving to get more drug to maintain the high, a drug seeking behavior that is somewhat unique to cocaine, i.e., the intoxicant is seeking more drug while intoxicated."

9/1/86

Your fact statement was corroborated by Darrin, who described cocaine use by all three participants. The autopsy protocol of the decedent documented alcohol and cocaine use that evening. Labor Day, 1986, was the first day Darrin used intravenous

cocaine. As described above, for Darrin it was heavenly, a rush, like nothing he had ever done. He was high and intoxicated through the incident with Mr. Schneider, the decedent. Getting more drug was the purpose of the robbery in which he participated. The IV experience was overwhelming and one that he wanted and was driven to maintain.

In my opinion, Darrin Shatner was extremely intoxicated and impaired from cocaine at the time of the incident. This intoxication and impairment would result in extreme emotional disturbance and a diminished capacity.

PHARMACOLOGY AND TOXICITY OF COCAINE

The following is excerpted from medical toxicology and pharmacology literature in an effort to help explain the increased risk taking and reckless and violent and careless behavior of the defendant while intoxicated from cocaine. It is noted that the decedent's toxicology test verified the recent active use of cocaine.

The free alkali base of cocaine is an intermediate compound in the extraction of the hydrochloride salt from coca leaves. The remaining product is more volatile and may be smoked in a cigarette or water pipe. Nasal insufflation (snort) of cocaine powder results some immediate effects and in significant blood levels and brain levels within 20 minutes, with a maximum at 30 minutes. Any cocaine use has a high potential for dependency and overdose, since the period of euphoria is quickly followed by a powerful dysphoric mood swing that leads to further drug use.¹ Escalating doses lead to a 24- to 96-hour binges or runs, similar to amphetamine use. As the compulsive drug use continues, interest diminishes in social contact, family, friends, food, sexual activity, and other usual activities.²

The half-life of cocaine is about 0.9 - 1.5 hours.^{3 4} Cocaine plasma levels remain detectable for 4-6 hours. Clinical (toxic effects) continue for hours, even though the euphoric effects wear off in 20-40 minutes. In chronic cocaine users, the plasma cocaine half-life averages 48 minutes after a 32-mg intravenous injection. The metabolite of cocaine can be detected in the urine for approximately three (3) days.

Cocaine in increasing doses causes a rostral-caudal stimulation of the brain beginning with the cortex. Initially, euphoria, hyperactivity, restlessness, confidence, and garrulity occur. Cocaine may cause CNS symptoms either by potentiating catecholamines or by depressing central inhibitory pathways. Sympathomimetic (Adrenalin-like) effects which follow acute cocaine use include increased energy, increased heart rate and blood pressure, dilated pupils, constriction of peripheral blood vessels, and a rise in body temperature and metabolic rate.⁵

Depending on dose, chronicity, personality, genetic predisposition, and expectation, cocaine produces a continuum of psychiatric syndromes ranging from euphoria and dysphoria to a schizophreniform psychosis similar to amphetamine-induced psychosis⁶. Acute overdose or habitual use leads to profound mood changes characterized by paranoid thinking, agitation, irritability, restlessness, and impulsivity. Chronic users often become depressed, suspicious, irritable and impotent, which reinforces continual cocaine use. Distorted thought processes can cause aggressive suicidal and homicidal behavior; impaired judgment and attentional deficits increase the chance of accidental trauma. Cocaine use increases the propensity to violence, causes hyperactivity, causes an inability to concentrate, painful delusions, lack of disorientation, hallucinations, and paranoia. Intense paranoia, bizarre and violent behavior, hyperthermia, and sudden collapse were observed in 7 individuals, whose postmortem blood cocaine concentrations averaged 0.6mcg/ml (range 0.1 - 0.9 mcg/ml).⁷ Persons intoxicated on Cocaine are described to have super-human power and strength!

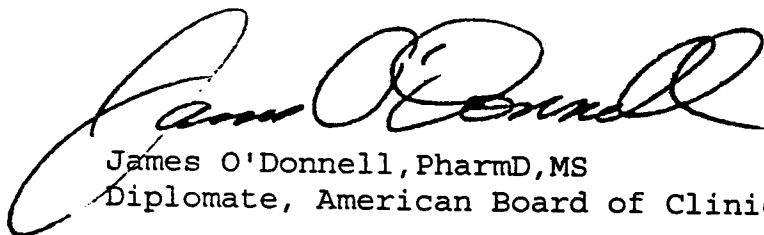
The central stimulant and sympathomimetic effects of cocaine are familiar, and include euphoria, confidence, and energy. The undesirable effects are feelings of irritability and lassitude after the euphoria subsides, with a desire for more of the drug, anxiety reactions, and paranoia. More severe effects, such as tactile and other hallucinations and delusions, are not common but they do occur. Case of cocaine psychosis have been reported, qualitatively similar to amphetamine psychosis but lasting a shorter time.⁴ Although one would expect subjects intoxicated with cocaine to appear stimulated, many cocaine users have severe depression or anxiety after the initial euphoria, and this may coincide with the period of peak impairment. This post-euphoric state can last for hours, during which users may feel somnolent or confused.

A recent special article by Marzuk appeared in the New England Journal of Medicine and addressed the topic of fatal injuries after Cocaine use.⁸ The authors concluded that the neurobehavioral effects of cocaine may increase the likelihood that a user will receive violent fatal injuries. They described cocaine as initially producing euphoria and hyperalertness, followed by agitation, paranoia, distractibility, distorted perception, and depression - states that could increase the likelihood of violence, suicide and accidents. The final conclusion of the authors is as follows: Cocaine use, as measured by the detection of the metabolite benzoylecognine in urine or blood, was found in 26.7 percent of all New York City residents receiving fatal injuries; free cocaine (which indicates use of cocaine just before death) was detected in 18.3 percent. Approximately one third of deaths after cocaine use were the result of drug intoxication, but two thirds involved traumatic injuries resulting from homicides, suicides, traffic accidents, and falls.

Intoxication often paradoxically enhances the drug user's sense of mastery. Intoxicated/impaired persons take risks that sober persons do not. Mood and emotions are altered. Inhibitions are released.¹⁰ Risk taking increases.^{7 9 10}

In summary, at the time of the murder/arson, Mr. Shatner was intoxicated by cocaine, which impairs the ability of the brain to think clearly, causes other impairments in ability to function, and alters behavior and increases risk taking. In my opinion, with a reasonable degree of pharmacological certainty, the defendant Darrin Shatner, was intoxicated with cocaine.

Very truly yours,



James O'Donnell, PharmD, MS

Diplomate, American Board of Clinical Pharmacology

- References -

1. Jekel JF, Allen DF, Podlewski H, et al: Epidemic free-base cocaine abuse. Lancet 1986;1:459-462.
2. Ellenhorn MJ and Baceloux DG, Eds. Medical Toxicology: Diagnosis and Treatment of Human Poisoning. Elsevier, New York, 1988, Chapter 28: Cocaine.
3. Ambre J. The urinary excretion of cocaine and metabolites in humans: A kinetic analysis of published data. J Anal Toxicol 1985;9:241-5.
4. Hamilton HE, Wallace JE, Shimed EL, Jr, Land P, Harris SC. Christenson JG. Cocaine and benzoylecognine excretion in humans. J Forensic Sci 1978;22:697-707.
5. Blum K. Handbook of Abusable Drugs. Gardner Press Inc. New York, 1984 at page 333
6. Post RM: Cocaine Psychosis: A continuum model. AM J Psychiatry 1975;132:225-231.
7. Wetli CV and Fishbain DP. Cocaine-induced psychosis and sudden death in recreational cocaine users. J For Sci 30:873-880, 1985.
8. Marzuk PM, Tardiff K, Leon AC, et al. N Engl J Med, Vol. 332, No. 26, 1753-1757.
9. Angell M, Kassirer JP. Alcohol and other Drugs - Toward a

more Rational and Consistent Policy. Editorial. N Engl J Med. Vol 331, No 8, Aug 25, 1994, pp 537-539.

10. Brewer RD, Morris PD, Cole TB, Watkins S et al. The Risk of Dying in Alcohol-related Automobile Crashes Among Habitual Drunk Drivers. N Engl J Med. Vol 331, No 8. Aug 25, 1994, pp 513-517.

Claar, Janet

AFFIDAVIT

(1)

I, JANET CLAR, being first duly sworn, depose and state that the following is true to the best of my knowledge, information and belief:

1. THAT, I AM 29 YEARS OLD AND live in the State of Arizona; and
2. THAT, I knew DARRIN Shatner from the Covenant Children's Home in Princeton, IL; and,
3. THAT, I was age 14 when I met DARRIN AT the Covenant Children's Home and I knew him there for about 1 (one) to 1 1/2 (one and one half) years; and,
4. THAT DARRIN AND I were good friends but not romantically involved,

and, Margaret J. Lagiglio 5/6/96



Janet Clar

(2)

AFFIDAVIT OF JANET CLAR

5. THAT, after leaving the Covenant Children's Home & lost track of DARRIN; and,
6. THAT, a few years later, when I was about 19 I met DARRIN IN Chicago and renewed our friendship; and,
7. THAT, I visited DARRIN a few times at his apartment in Chicago; and,
8. THAT, DARRIN VISITED me at my apartment at Winnebago ST in Chicago; and
9. THAT, one day, I think it was in the afternoon, DARRIN came to my apartment with a woman he introduced to me as Jean but I don't remember her last name; and
10. THAT, DARRIN said he and Jean needed a place to stay; and,



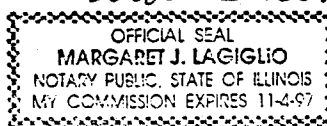
Margaret J. Lagiglio
516/96

Janet Clar

Affidavit of JANET CLARK

11. THAT, I offered to allow them to ⁽³⁾ stay with me a few days or weeks; and,
12. THAT, after talking for an hour or so we went out looking for apartment telephone numbers to call to start looking for an apartment for them; and,
13. THAT, before we left and while we were outside DARRIN said he was "so scared" and was worried about what was going to happen and I asked him "what did you do now" but my boyfriend, SAM, came out of the apartment and I said "tell me about it later"; and,
14. THAT, I got into one car with Jean and DARRIN got into another car with SAM and we drove away to look for apartments;

and,



Margaret J. LaGiglio
5/6/96

Janet Clark

AFFIDAVIT OF JANET CLARK

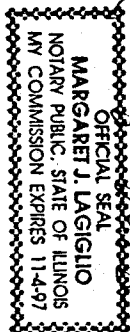
(4)

15 THAT, I ASKED Jean why DARRIN was
so upset and she told me that
there was this guy she knew that
she robbed before and that wouldn't
call the police because of drugs that
he had in the house and she took
DARRIN over there; and,

16 THAT, Jean said she hated this
guy because she got cocaine from
this guy but he made her have sex
with him in exchange for drugs (cocaine)
and she shot him up and his friends
too and they had sex with her too; and,

17. THAT, Jean said she despised this
guy and she wanted to take as much
of his drugs and property to as she
could to make him pay for what he
did; and

Janet Clark



Margaret J. Lagiglio 5/16/96

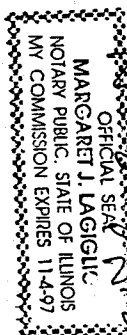
AFFIDAVIT OF JANEIT CLARR

(5)

18. Jean said that THAT, while at this guy's place after she couldn't find the drugs she hit this guy over the head with the lamp a couple of times and called Darren in to help her tie him up;

and, Jean said that THAT, they tied this guy up and Darren went to the living room to get the UCR and she said she set the bedroom on fire and the smoke alarm went off; and,

20. THAT, she said they then left the apartment; and,



1. Jean said she wasn't sure THAT, if the guy was dead or not; and, THAT, JEAN SAID that she talked Darren into doing it so he could protect her and take the UCR while she

Janeit Clarr

AFFIDAVIT OF JANET CLAR

(6)

took care of the guy; and,

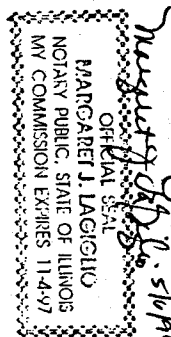
23. THAT, this conversation with JEAN took place in my car; and,

24. THAT, DARRIN AND JEAN STAYED AT my apartment that night; and,

25. THAT, the next morning JEAN asked for change to buy a paper; and,

26. THAT, I gave her money to buy a paper; and,

27. THAT, later that morning my boyfriend SAM drove JEAN AND DARRIN to JEAN'S brother's residence so they could borrow money so they could buy more drugs; and,



28. THAT, that same afternoon while cleaning I found a syringe or needle by my sister's bed where

Janet Clar JEAN and DARRIN were sleeping; and,

AFFIDAVIT OF JANET CLARK

(7)

29. THAT, I asked Jean whose needle was this and Jean said it was her needle and I saw needle marks in her arm; and,

30. THAT, I told Jean and Dallen that they would have to leave; and,

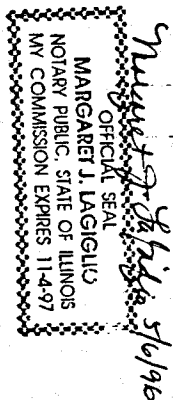
31. THAT, I do not know where they went; and,

32. THAT, the next day two police detectives interviewed me and asked if I had seen Jean and a last name I don't recall and Dallen

Shatner and I told them that they had stayed there but had left; the detectives said they were from the homicide department; and,

33. THAT, I did not tell the police about what Jean had said; and,

Janet Clark



AFFIDAVIT OF JANET CLARK

(8)

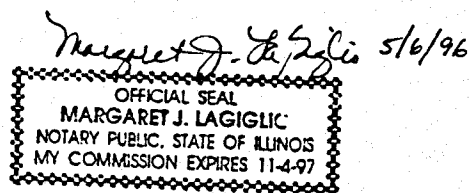
34. THAT, DARWIN WAS TOTALLY terrified about this situation and seemed to be under her spell; and,

35. THAT, I left Chicago in 1994 and no one ever contacted me before DARWIN'S trial or sentencing to ask me what I knew; and,

36. THAT, if I had been asked to do so I would have talked to Darwin's lawyer and I would have been available to testify on Darwin's behalf at his trial and sentencing.

Further I SAY not.

Janet Clark



AFFIDAVIT OF SAM LAWANDO

I SAM LAWANDO being first duly sworn on oath do hereby state as follows:

1. My name is Sam Lawando, I reside in Chicago, Illinois and I know Darrin Shatner.
2. Darrin Shatner and Jean Rogoz stayed at the apartment owned by Janet Clear and myself. I believe that the first night was September 1, 1986.
3. Darrin and Jean came together as a couple, they did not argue or act aggressively toward one another for the three or four days they stayed with us.
4. Janet and I gave them a room to sleep together, and they would go out and come back. I never once felt that Jean was there against her will.
5. Sometime that week, Darrin, Jean and I went out in my car to Darrin's father's job. Darrin wanted to get some money. I remember Darrin bought something to eat.
6. Shortly after, Jean had Darrin and I stay in the car while she went to meet someone. I do not know who she went to meet, but she returned within a few minutes and nothing seemed to have changed. Jean had not gone too far away.

7. I have heard that Jean Rogoz maintains that Darrin kidnapped her. I noticed them together and this is simply not true. In my estimation she was with Darrin of her own free will.

8. I was available to testify to the above statements, but I was not contacted by MR. Sitatner's attorneys.

FURTHER AFFIANT SAYETH NOT

Sonia L. Lando
Sonia Lando

SWORN AND SUBSCRIBED BEFORE ME ON
THIS 6th DAY of May 1998

Appolon Beaudouin, Jr.
Notary Public



AFFIDAVIT OF SHIRLEY FAITZ

I SHIRLEY FAITZ being first duly sworn on oath do hereby state as follows:

1. My name is Shirley Faltz, I reside in Chicago, Illinois and I know Darrin SHATNER.
2. ON or about September 1, 1986 I moved into an apartment at 1501 W. Hollywood. This building was owned by Dorothy Newsome.
3. At least a week after I moved in, Darrin and a young blond lady walked in to the apartment that I was living in. He had a key and he stated that as manager he had keys to all of the apartments.
4. Darrin and the young lady returned to my apartment on at least two or three occasions. I told Darrin that he and his girlfriend could not come in my home and socialize.
5. He introduced me to her as his girlfriend but I do not remember her name. They were both high off something. She appeared to be there of her own free will, and if she wanted to leave, she had plenty of opportunity.
6. I did not see Darrin or his girlfriend act aggressively toward me or one another. They acted like boyfriend and girlfriend.

7. I have seen Darrin and this lady leave together and return together always in the same mood. They seemed to get along for the time they stayed at the apartment.

8. They would come over at about 2 or 3 in the morning and stay until about noon, leave and then return in a day or two.

Finally I told him that he could not continue to do this because of my kids. He gave me the key and they returned again, but this time they knocked at the door.

9. In total, I saw Darrin and this young lady come and go together as boyfriend and girlfriend getting along for approximately 2-3 weeks after I moved in.

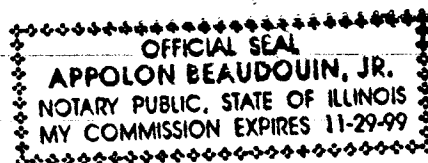
10. I could have testified to the above statements but I was never contacted by Darrin's attorneys. I was available to testify.

FURTHER AFFIANT SAYETH NOT

Shirley Faiz
Shirley Faiz

SWORN AND SUBSCRIBED BEFORE ME ON THIS 8th
DAY OF May 19 98

Appolon Beaudouin, Jr.
Notary Public



I. DEVELOPMENTAL CHRONOLOGY

In order to understand Darrin Shatner we must begin by exploring the unique dynamics into which he was born and raised and then examine how these circumstances, and subsequent life experiences, impacted his cognitive, social and emotional development. Darrin's family history reflects patterns of severe emotional neglect, verbal torment, physical abuse, mental illness, substance abuse and abandonment. These patterns are present in both his immediate and extended family.

Darrin's parents were extremely young and Darrin was the product of an unplanned and unwanted pregnancy. In infancy, he lacked an emotionally available caretaker and struggled with several medical problems. Darrin's father was incarcerated during this time period and his mother was forced to become the sole provider. Both parents resented Darrin, treated him like a burden, and pawned him off on whoever would take him.

In childhood, Darrin was subjected to verbal cruelty, physical abuse, and emotional and physical abandonment. He witnessed the verbal and physical abuse between his parents and was often placed in the middle and forced to choose sides. Darrin endured several head traumas and struggled with an attention deficit disorder and the challenges of a learning disability. He started running away from home and using inhalants as a method of mentally and physically escaping from his home situation.

As an adolescent, Darrin continued to use inhalants and began experimenting with and using additional substances. He continued to run away and acted out in an attempt to gain the attention he desperately needed. At age twelve, The Illinois Department of Children and Family Service obtained custody of Darrin due to inadequate care and/or supervision from his parents. Once in the child welfare system, Darrin was inappropriately placed at several residential treatment centers, where he received inadequate clinical services.

The following report will review Darrin's social history and explore how a culmination of his life experiences contributed to the development of a severe emotional disorder, a longing to belong, severe drug addition, impaired cognitive functioning and will then examine how these circumstances ultimately impacted and limited the choices he made on the night of Danny Schneider's death.

A. FAMILY HISTORY

▪ MATERNAL FAMILY

Darrin's maternal grandmother, Agnes (Smallwood) (Newsome) Bentley, was born on July 29, 1924 in Seco, Kentucky. Agnes was educated to the third grade and married Darrin's paternal grandfather, Owne Newsome, when she was thirteen years old. Agnes and Owne had seven children: Daniel, Christine, Phyllis, Carl, Monroe, Dorothy and Josie.

Owne Newsome was a coalminer and died from black lung disease at a very young age. Shortly after Owne's death, Agnes became extremely ill with rheumatic fever and was bedridden for over eight months. Agnes's children were placed in an orphanage for over a year and were returned to her when she was able to care for them again (Affidavit of Dorothy Newsome).

Agnes remarried and had five more children with her second husband, Earl Bentley: Earl Jr., James, Virgie, Can and Basiel. Agnes spent the majority of her life barefoot and pregnant and never worked outside of the home. Agnes had three miscarriages in addition to her twelve children (Affidavit of Dorothy Newsome).

Darrin's biological mother, Dorothy (Newsome) (Crumb) (Shatner) Dumke, was born on March 2, 1949 in Seco, Kentucky to Agnes and Owne Newsome. Dorothy was one of twelve children and is of the Baptist faith.

Dorothy described her childhood as difficult. Her family was extremely poor and it was hard being one of twelve children. Her stepfather didn't work and her mother stayed home with the children. According to Dorothy, Earl Bentley was a thief and use to steal copper at night, melt it down, and sell it. For the most part, the family lived off the social security checks that the Newsome children received following their father's death (Affidavit of Dorothy Newsome).

The family received clothing from a secondhand shop owned by a cousin who allowed them to go through the donated clothes and pick out a few items. They ate beans and potatoes almost every day and rarely had meat. There were no holiday meals and Christmas wasn't celebrated because they couldn't afford the food or the toys. Dorothy explained that the Bentley children received some gifts but not the Newsome children. All of the boys slept in one room and all of the girls slept in another and Dorothy shared a bed with her sisters, Josie and Christine. They had an outhouse for a bathroom and brought in buckets of water for their baths (Affidavit of Dorothy Newsome).

According to Dorothy, Earl Bentley sexually molested the Newsome girls. She explained that he came to their bed at night and sexually fondled them. Josie told Dorothy that Earl would 'peep' on her in the bath, showed her his penis and sometimes followed her to the outhouse and put his penis through one of the holes in the wall while she was going to the bathroom (Affidavit of Dorothy Newsome).

Dorothy's mother was extremely strict and didn't allow the children to go anywhere or do anything. Both Agnes and Earl frequently whipped the children with belts and switches. Dorothy described Earl as physically abusive and recalled an incident when her mother came home with groceries and she was sitting on the step playing with an Etch-a-Sketch. Earl took the toy and hit her over the head with it, shattering it into several pieces, because she didn't get up and help her mother right away (Affidavit of Dorothy Newsome).

Dorothy explained that she and the other Newsome children were treated differently than the Bentley children. The Newsome children were forced to skip school in order to

care for the Bentley children and spent their days changing diapers, bringing in coal, cooking and cleaning (Affidavit of Dorothy Newsome).

Dorothy's sister, Christine, moved to Chicago at a young age and her brothers, Daniel, Carl and Monroe, joined her shortly thereafter. Dorothy and Josie were the only remaining Newsome children living in Kentucky and were asked to leave by their parents. Dorothy was only fifteen and Josie was thirteen when they went to Chicago and moved in with their siblings. Dorothy found a job and made \$57.00 a week, \$30.00 of which she sent back to her parents. Dorothy reported that she still loved her family, despite the abuse, and felt sorry for them and wanted to help out.

Darrin's maternal uncle, Daniel Newsome, married Helen Newsome approximately 37 years ago and had three children; Karen, Danny, and Christy. Darrin was, and is, extremely close to Karen.

Darrin's maternal aunt, Christine (Newsome) (Kiser) Pena lives in Moline, Illinois. Christine married Jerry Kiser and had three children: Daniel, Michael and Jerrie Lynne. Jerry Kiser is a recovering alcoholic who was extremely abusive when he drank and has been in and out of jail for the past thirty years. Christine divorced Jerry Kiser and married John Pena and had two children together: Mathew and Shawn. Darrin was very close with his cousins Daniel, Michael and Jerrie Lynne.

Darrin's maternal aunt, Phyllis Newsome, died from diphtheria when she was five years old.

Darrin's maternal uncle, Carl Newsome, was in a motorcycle accident in the early 1960's. He was in a coma for 30 days and suffered brain damage. Carl was married to Minnie Newsome and had three children: Tina, James and Ones. Carl divorced Minnie and married Dotty Newsome and had one more child, Carl Newsome (Affidavit of Dorothy Newsome).

Darrin's maternal uncle, Monroe Newsome, lives and works at Sunset Ridge in Illinois. Monroe was married to Mary Newsome and had two children: Lilly and Sandy. Monroe divorced Mary and married Dee Newsome and had one child, Pat Newsome (Affidavit of Dorothy Newsome).

Darrin's maternal aunt, Josie Newsome, married Barney Madison when she was fourteen years old. Josie and Barney had two children: Buck Jr. and Junior. Barney Madison died from cirrhosis of the liver. Josie later married Buck Thornhill. Josie lives in Lake City, Florida. She knew Darrin well and witnessed the abuse he endured (Affidavit of Dorothy Newsome).

Darrin's maternal uncle, Earl Bentley, lives in Kentucky. Earl was married to Diane Bentley and had two children: Kenneth and Anthony. Earl and Diane are divorced and according to Dorothy, Earl is an alcoholic (Affidavit of Dorothy Newsome).

Darrin's maternal uncle, James Bentley, lives in Florida. James was married to Carol and had three children: Dorothy, Kim and Misty. James and Carol are now divorced.

Darrin lived in Florida with James off and on throughout his upbringing (Affidavit of Dorothy Newsome).

Darrin's maternal uncle, Basiel Bentley, lives in Kentucky. According to Dorothy, Basiel is an alcoholic and abuses drugs. Darrin lived in Kentucky with Basiel off and on throughout his upbringing (Affidavit of Dorothy Newsome).

Darrin's maternal uncle, Can Bentley, lives in Kentucky. Can was married to Mary Bentley and had one child, Mark. Can and Mary were divorced and Can later married Martha Bentley and the couple adopted a child (Affidavit of Dorothy Newsome).

Darrin's maternal aunt, Virgie (Bentley) (Moore) Voss, lives in McHenry, Illinois. She was married to a man named Eddie Moore, divorced him and married Rick Voss and had three children: Travis, Savanna and Kaylee (Affidavit of Dorothy Newsome).

▪ PATERNAL FAMILY

Darrin's paternal grandfather, Donald Crumb, was born on January 8, 1923 and was born and raised in West Virginia. Mr. Crumb was the eleventh of thirteen children born to Thomas Adair and Suzie Johnson. Mr. Crumb married Darrin's paternal grandmother, Margaret McCormick, in January of 1948 and had four children: Donald, James Thomas, Larry and John. Donald and Margaret were married for approximately sixteen years and divorced in 1964. Margaret married John Ocvirek a few years later but this marriage also ended in divorce. Donald has been living with Evelyn Hallberg for several years.

Darrin's biological father, Donald Gene (Crumb) Shatner, was born on October 31, 1948 to Margaret and Donald Crumb. He was born in West Virginia and his family moved to Chicago in 1950. He is of Presbyterian faith. Don legally changed his name from Crumb to Shatner following several legal problems.

Don's family life was not a very happy one. His mother abandoned the family on Christmas Eve when Don was approximately thirteen years old. Don explained that his parents had an argument and his mother left (as usual) but never came back (Affidavit of Don Shatner).

Don completed the 8th grade and attended high school for a few days before dropping out to help take care of his family. Don helped take care of his younger brothers and worked several odd jobs to help support his family.

Don was described as the type of man who was very busy and worked all the time. He worked for ARA Canteen Corporation and owned a 55-unit apartment building where he spent a great deal of his free time repairing and decorating the apartments. (Appendix C, pg. 73). He has also worked at the stock exchange, sold vending machines, and was a salesman at an engraving business. He bought and renovated old buildings and would then rent them out or resell the buildings.

Darrin's paternal uncle, Larry Crumb, lives in Mundelein, Illinois. Larry was arrested and served time in a Maryland prison for statutory rape and later served an eight-year

sentence for stabbing his girlfriend. Larry's brother, John, described him as a "psychopath." John had several girlfriends when he was in high school and one of these girls came by the house when John was out, Larry had sex with her, and was arrested for statutory rape. Larry later dated Jenny, one of John's ex-girlfriends, and stabbed her during a fight and spent several years in prison (Affidavit of John Crumb).

Darrin's paternal uncle, James Thomas Crumb (Tom), lived in Maryland and committed suicide on his mother's birthday around 1995. Tom's wife left him and took their son to Germany where she met someone else and remarried. Tom's son matured and returned to the United States to visit him. Tom was living with his boss and was informed that his boss had been physically and verbally assaulting his son. Tom went to work with a gun and held his boss hostage and eventually shot and killed him. Tom then turned the gun on himself and shot himself in the head (Affidavit of John Crumb).

Darrin's paternal uncle, John Crumb, is the youngest of the four boys. When John's mother left the family on Christmas Eve she came back and got him, but left the other boys behind. John was separated from his brothers and spent his childhood witnessing his mother getting beaten by various boyfriends. His mother dated a Puerto Rican man and used to bring John to his house, give him a deck of cards to play with, and then had sex in front of him. John's mother later married John Ocvirek who physically abused him until he was able to hit back and then the abuse stopped. John explained that his mother had a bad temper and once threw boiling water at him and luckily he ducked and most of the water missed him. John's mother told him that his father was a drinker and that he used to hit her. John explained that his father has always been a drinker. John started drinking alcohol when he was around eight or nine years old. His mother and stepfather used to give him champagne on holidays and he liked the feeling he got from drinking. The drinking took the pain away and gave him a clear mind. John started using cocaine and smoking crack when he was around eighteen years old. John was recently paroled from East Moline Correctional Center where he served a four-year sentence for committing eight armed robberies (Affidavit of John Crumb).

Darrin's grandfather, Donald Crumb, believes his ex-wife (Margaret McCormick) is mentally ill. He described her demeanor as unpredictable and explosive. She got angry over the littlest thing, exploded into violent rages and then left the family for varying amounts of time. She was very distant from her children and punished them by hitting them in the face with an open hand or a closed fist. She referred to their children as his children, not hers.

Darrin's father, Donald Shatner, also believes his mother (Margaret McCormick) suffers from a mental illness. He explained she was very quick tempered, always started arguments, left unexpectedly for days on end and never held a job for any significant time period. Don lost contact with his mother a few years ago as a result of her temper and inability to settle in any one place for too long. According to Don, his father basically raised him and his brothers on his own and he has the utmost respect for him because of this (Affidavit of Don Shatner). Darrin agrees with his father and grandfather and believes his maternal grandmother has several mental health issues and is emotionally imbalanced.

Darrin's father, Donald Shatner, has an extensive criminal background, used the alias Eugene Witte, and spent time in prison. According to criminal records, Don was arrested on:

- 12-29-66 by the Chicago Police Department for Theft.
- 2-21-68 by the Chicago Police Department, under the alias, Eugene Witt, for Armed Robbery and DISCH F/ARM/HARM
- 4-26-68 by the Chicago Police Department under the alias Eugene Witt, for Burglary.
- 7-19-68 by the Cook County Sheriff's Office for Robbery and Theft.
- 2-12-74 by the Chicago Police Department under the alias, Eugene Witt, for Attempted Theft. He was found guilty and sentenced to a \$500 fine.
- 3-9-76 by the Chicago Police Department under the alias, Eugene Witt, for two counts of theft.
- 10-13-76 by the Chicago Police Department under the alias, Eugene Witt, for Theft, Criminal Trespass Vehicle and Criminal Damage to Property. The charge of Theft was stricken on leave and he was found guilty of Criminal Trespass to Vehicle. He was sentenced to one year probation and restitution.
- 8-29-81 by the Mount Prospect Police for No Valid Registration and Driving with a Revoked or Suspended License.
- 9-5-81 for Driving on a Revoked or Suspended License and No Valid Registration.
- 6-28-82 for Driving on a Revoked or Suspended License.
- 8-17-84, as Donald Shatner, for Assault and FOID ID CARDS.
- 3-10-87, as Donald Shatner, for Unlawful Use of Weapons and for Obstructing Service of Process.
- 6-7-93 in Sangamon County for Driving with a Revoked or Suspended License.
- 7-22-98 for No Valid Registration and Driving on a Revoked or Suspended License.

▪ PARENT'S RELATIONSHIP

Dorothy and Don met in Chicago in 1965 and dated for approximately six months before they decided to get married. Don was eighteen but Dorothy was only seventeen and required her mother's consent. They drove to Kentucky, obtained the consent, and then traveled to Clintwood, Virginia where they married at the local courthouse on October 1, 1966. (See Appendix C, pg. 110).

Don's father was against the marriage and threatened to have the marriage annulled. Mr. Crumb explained that he didn't have anything against Dorothy; he just felt they were too young to get married (Affidavit of Donald Crumb).

Dorothy became pregnant with Darrin shortly after they were married. Both Don and Dorothy agree that Darrin wasn't a planned or a wanted pregnancy. According to Dorothy, she got pregnant because she didn't know anything about birth control. She explained that back in those days the schools didn't teach sex education and growing up no one was allowed to talk about sex in her house (Affidavit of Dorothy Newsome). Don explained that he and Dorothy both came from extremely poverty and wanted to work to get ahead and make a better life for themselves. They did not want a child.

Dorothy described a very pressured marital life from the time she and Don were married because both felt the need to work long and hard to amass their worth while they were young. Dorothy owned her own engraving company in the city and Don worked at a vending company. The couple also owned a great deal of real estate. All of this took much time away from home and limited their involvement in Darrin's life (Appendix C, pg. 43). Dorothy worked as a model after Darrin was born and hired various babysitters to stay with Darrin. According to childhood records, Dorothy explained to a worker that, "She felt that she is not the type of person to stay home full time—her 'mind would be messed up' if she did." She did the modeling work for four or five years. (Appendix C, pg. 43).

B. INFANCY

Darrin was born on July 12, 1967 at Ravenswood Hospital in Chicago, Illinois. The delivery was extremely difficult and Dorothy required heavy sedation after thirty hours of labor. The doctors had to use forceps to deliver Darrin, which left scars on his face (Appendix C, pg 1-27). These scars remained with Darrin for a long time and are evident in his childhood pictures (Affidavit of Dorothy Newsome).

Dorothy was eighteen and Don was nineteen at the time of Darrin's arrival. Darrin's grandfather, Donald Crumb, felt Darrin's parents were too young and were not prepared to become responsible parents. When Darrin was born, he was shifted from one relative or friend to the next because his parents didn't make time for him. Mr. Crumb explained that when Darrin wasn't with him, he was with his godfather, Pat Ryan, or in Kentucky with his grandmother, or with some other family member (Affidavit of Donald Crumb). Darrin's parents admit they didn't have time for Darrin and always left him with whoever would take him.

Dorothy described Darrin as a sickly child who was always crying and unable to retain his formula. She vividly recalls the numerous sleepless nights she spent trying to comfort Darrin, who seemed to be in so much agony that it was almost unbearable to hear him cry. Dorothy was constantly taking Darrin to the hospital, hoping and praying that sooner or later they would be able to prescribe something that would work, only to return home to the same routine of having what seemed like a hysterical baby on her hands (Affidavit of Dorothy Newsome).

According to hospital records, Darrin suffered from anemia, colic, infantile anorexia and gastroenteritis and experienced heavy diarrhea, vomiting, weight loss, lethargy, and pale skin. A report from The Children's Memorial Hospital dated September 18, 1967 reads; "2 month old wm (white male) with crying and cramping for three days. Just got over heavy diarrhea for two weeks" (Appendix C, pg 31). On August 27, 1968 Darrin was taken to Children's Memorial Hospital with a temperature of 103 degrees. According to their records, "This 13 month old has complained of anorexia, vomiting, and diarrhea for the past month. He has lost 1 lb and 11oz since his last clinic visit. He vomits after meals and his diarrhea is a yellowish color. He acts like he has pain in his

stomach" (Appendix C, pg 33). In addition, Darrin was brought to the emergency room on September 14, 1968 where it was reported that he had been vomiting for two weeks, approximately three times a day and had yellow/watery diarrhea three to four times a day (Appendix C, pg 32). According to Dorothy, Darrin exhibited these symptoms on a regular basis.

When Darrin was a toddler, he ran a high fever of about 105 degrees. Dorothy was unable to get him to the hospital, so she called the pharmacy and had medicine delivered to their home. Darrin had the Measles in May of 1969 and the Chicken Pox in 1970 (Appendix B, pg. 2).

Darrin's father was arrested and incarcerated for armed robbery when Darrin was just an infant. Don explained that things were going pretty bad so he robbed a woman with an unloaded gun and got caught (Affidavit of Donald Shatner). Dorothy was a young mother who was suddenly forced to care for, and financially support, Darrin on her own. Dorothy worked two jobs and struggled to make ends meet. According to Dorothy, she and Darrin barely survived. Don was released from prison after serving approximately one year (Affidavit of Dorothy Newsome).

C. EARLY CHILDHOOD (3-12)

Darrin lacked the basic ingredients for a happy and healthy childhood and instead, his childhood was filled with neglect, abandonment, emotional abuse and physical violence. Darrin witnessed the violence between his parents who often placed him in the middle and forced him to choose sides. He developed migraine headaches, experienced several head traumas, was diagnosed with a seizure disorder, struggled with a learning disability and dealt with the challenges of an attention deficit disorder. Darrin couldn't handle his home situation so he began running away and started sniffing glue.

As soon as Darrin was old enough Dorothy placed him in the Blue Bird Nursery School and records indicate that Darrin was extremely hyper at this school (Appendix B). Dorothy described Darrin as a hyper child who needed a lot of attention (Affidavit of Dorothy Newsome).

Darrin continued to be shuffled between family members and friends. In particular, his parents often made him stay with his godfather, Pat Ryan. According to Darrin's cousin, Jerrie Lynn Kiser, Pat was an old heavyset man who wore glasses and was very scary looking. "I didn't trust him. He lived in what looked like a dirty rundown hotel. Darrin was always unhappy when he was with Pat. He would cry and say he didn't want to go to that nasty place and couldn't understand why he had to live with him." (Affidavit of Jerrie Lynn Kiser).

Darrin was sent to live in Kentucky with his maternal grandmother, Agnes Bentley, when he was around ten or eleven because his parents were having difficulties with their marriage and needed a break. Darrin was enrolled at Fleming Neon Elementary School where he attended for a few weeks. Darrin's grandmother caught him sniffing glue and sent him back to Illinois to live with his parents.

Darrin was subjected to both emotional and physical abuse. Dorothy referred to Darrin as her "little bastard" and slapped him on the back, pulled him by his hair and hit him on the head with her hairbrush. Dorothy was an angry person who was always yelling at Darrin (Affidavit of Jerrie Lynn Kiser). Darrin's aunt witnessed Darrin crawling up to the coffee table and trying to stand up and Dorothy smacked him down and called him a little bastard for no reason. Darrin was around one year old and was learning to walk at that time. (Affidavit of Helen Newsome).

Darrin's uncle, John Crumb, reported that Dorothy used to slap Darrin in the face and explained that there was no talking to her because she was always yelling (Affidavit of John Crumb). Dorothy admits she used to slap Darrin in the face, hit him with a broom and hit him on the head with her hairbrushes. "I was physically abusive towards my son. I was abused as a little girl, and was being abused by my husband, so I guess I just started to abuse Darrin." (Affidavit of Dorothy Newsome).

Darrin's father called him a "dumb son-of-a-bitch" and would tell Darrin that he was lazy and would never amount to anything. According to Dorothy, Don was an evil man who physically abused her and Darrin. "Don beat Darrin and I let him." (Affidavit of Dorothy Newsome).

In addition to enduring the abuse, Darrin witnessed the violence between his parents. Don was both verbally and physically abusive towards Dorothy. Don used to call Dorothy a whore and once grabbed her by her hair and throat and threw her across the room (Affidavit of Jerrie Lynn Kiser). Don once hid in the trunk of Dorothy's car, in an attempt to follow her, and ended up locking himself in and had to pound on the trunk so she would let him out (Affidavit of Helen Newsome).

Dorothy reported that Don once choked her to the point that she passed out and required medical attention. Don took her to the emergency room and told her to tell the doctors that she fell down the stairs. Dorothy was afraid to tell the truth because Don was waiting outside her room. The doctor looked at the x-ray and saw the bruising on her neck and wanted to know who choked her but Dorothy stuck to her story. On another occasion, Don shot a shotgun over Dorothy's head when she was in bed to scare her and left a hole in the headboard above her head (Affidavit of Dorothy Newsome).

Darrin didn't have any ground rules at home and was always trying to get his parent's attention but he never seemed to get the love and affection he wanted and needed. Darrin's uncle explained that Darrin's father is not affectionate and is a hard-line person who cares in his own way but doesn't want to show it because showing you care means weakness (Affidavit of John Crumb). Darrin's cousin feels that Darrin didn't get a lot of love from his family. "He was not a happy child." Darrin's parents were always busy and didn't pay much attention to him. "I never saw them give Darrin any type of affection. I really don't think they wanted a kid." (Affidavit of Jerrie Lynn Kiser).

▪ MEDICAL ISSUES

Dorothy reported that Darrin began suffering from severe headaches around age five. Darrin's headaches were so bad that he would sit in his room and cry while holding his

head and rocking back and forth. Dorothy initially treated the headaches with Tylenol and eventually took him for a brain scan when he was eight to determine what was happening. According to Dorothy, the doctors placed him on the medication, Dilantin (Affidavit of Dorothy Newsome).

On April 26, 1976 Darrin was taken to Children's Memorial Hospital because he was vomiting, had no appetite, and his abdomen hurt when he walked. It was noted that he had experienced similar pain before. According to hospital records, Darrin was suffering from gastroenteritis and his mother reported that Darrin "whimpered all night." (Appendix C, pg. 34). On August 28, 1978 Darrin was treated for molluscum contagiosum and a lesion was excised from his left side below the rib cage. Results of the biopsy were benign (Appendix B, pg. 5). In addition, Darrin had an EEG at age nine because he was hit in the head while he was in military school. (Appendix A, pg. 297).

The medication Dilantin was tried because of Darrin's hyperactivity but it didn't help so it was stopped after a month. Darrin's father was against medication and nothing else was pursued. Dorothy explained that Darrin was always a very active youngster and felt that this was something that ran in her husband's family.

▪ INHALANT ABUSE

Darrin's cousin, Jerrie Lynn Kiser, introduced Darrin to sniffing glue when he was around eight or nine years old. They would either sniff glue or take a rag and dip it into paint thinner and then sniff the rag. Jerrie Lynn explained, Darrin sniffed glue constantly and was heavy into it. "He was always sniffing glue; it was like he couldn't put it down." Jerrie Lynn reported that the inhalants numbed their brains and Darrin would be in a daze when he was high (Affidavit of Jerrie Lynne Kiser). Darrin also sniffed glue with his cousins, Michael and Daniel. They would go to Jewel, take glue and hide under the produce table to get high.

▪ RUNNING AWAY

Darrin began running away from home when he was approximately eight or nine years old and started running away with his cousin, Jerrie Lynn, when he was around nine years old and she was around eleven. Jerrie Lynne explained that they ran away anywhere from one night to several days. They took food and clothing from stores, slept in basements and hallways of apartment buildings, and occasionally stayed at Jerrie Lynn's boyfriend's house. When Darrin was around ten, and Jerrie Lynn was around twelve, they took their uncle's car, drove to Chicago, and kept driving until they ran out of gas. (Affidavit of Jerrie Lynn Kiser). Dorothy remembers being really scared because they both too young to be driving a car (Affidavit of Dorothy Newsome).

When Darrin was approximately twelve, he attempted to run away by taking his father's car and got into an accident. He sustained a severe head injury that required treatment at the hospital. Following Darrin release from the hospital, his father beat him near the point of unconsciousness during the car ride home. Don took his fist and repeatedly beat Darrin in the face and on the head. Dorothy attempted to stop him but Don hit her in the face. Dorothy explained that Don was really upset because the car Darrin took had Don's dynamite in the trunk and Don would have been in big trouble if the police had discovered the dynamite (Affidavit of Dorothy Newsome).

▪ EDUCATION

Darrin began attending school when he was four at the Blue Bird Nursery School where he was described as an active youngster, but didn't present with any specific problems (Appendix B, pg.10). He attended Bell School in Chicago, Illinois for kindergarten and St. Gregory Elementary School in Chicago, Illinois for the first grade. No problems were documented during this time.

In the second grade there were complaints of Darrin's fighting and arguing so his parents pulled him out of St. Gregory's and enrolled him at Pierce Elementary School, a Chicago public school. Darrin attended Pierce Elementary School for the third grade but cried hysterically until his parents returned him to St. Gregory to finish out the third grade. (Appendix C).

On December 17, 1975 the Chicago Public School System completed psychological testing and results from the Weschler Intelligence Scale for Children-Revised (WISC-R) revealed Darrin's Verbal IQ was 100, his Performance IQ was 106, and his Full Scale IQ was 102. No significant deficits were noted in regards to learning skills. Rather, emotional difficulties appeared to be the primary presenting problem. Inner controls were poor and tolerance for frustration was low. (Appendix C, Pg. 48).

Darrin's parents enrolled him at the Midwest Military School in Wheaton, Illinois for the fourth grade because they felt he needed firm discipline. Darrin apparently liked the school but didn't function well there. His behavior seemed to worsen and he engaged in a great deal of fighting and bullying. Darrin developed a relationship with the staff, as well as the other kids, to the extent that he did not want to leave. Although he was under very strict rules he was settled, happy and content. Unfortunately, because of Darrin's failure to excel academically, his parents pulled him out of the school after only one year. Darrin's parents also noted that it was costing them around \$3,000.00 a year for Darrin to attend this school (Appendix C).

Darrin was enrolled into the Chicago public school system for the fifth grade where he spent time at Haugen, Monifiore, and Pierce Schools. In the middle of the fifth grade, Darrin's parents sent him to Kentucky to live with his maternal grandmother who enrolled him at Fleming-Neon Elementary School on February 12, 1978. Darrin attended this school for 30 days, being present 27 days and absent 3 days. No grades were given. Darrin withdrew from this school on April 17, 1978 and was sent back to Illinois and was re-enrolled in the Chicago public school system (Appendix C, pg. 42).

At the end of the fifth grade, Darrin was moved to a special class at Swift Elementary School and placed in an ERA class, a special education class for behaviorally and emotionally involved students. Darrin attended part of the sixth grade in this classroom before being transferred to a new school following his family's move to Wilmette, Illinois.

In February of 1979, Darrin was enrolled at Locust Jr. High School for the sixth grade. Darrin was referred for special education evaluation and a child study was conducted. At the time of the evaluation, Darrin was receiving his academic program in a regular sixth grade classroom and was having extreme difficulty with the sixth grade curriculum.

Although his teachers attempted to modify his program they were unable to modify it to the extent that Darrin needed. They estimated that Darrin's functional reading and math skills were at approximately the second grade level (Appendix C, pg. 43-51).

Darrin's social responses to the children and teachers were somewhat inappropriate and caused him to stand out. These behaviors made the other children avoid him and he had a difficult time developing relationships. (Appendix C, pg. 43-51). Darrin was having trouble listening to authority figures, instigating fights with other students, lying and swearing at teachers and other staff. His teachers reported that at times Darrin refused to do the assigned work, would deliberately destroy the property of others and had begun to ditch school (Appendix C, pg. 52).

Dorothy thought Darrin's problems stemmed from his hyperactivity that dated back to his early years and felt he needed "special teaching" because of his gap in learning and hoped he could get that through the special education program. She felt Darrin was embarrassed because he couldn't read and became upset when he was not "up to others." She believed that if he could get caught up in his reading he would feel better about himself (Appendix C, pg.45). She also felt that much of Darrin's difficulties were related to his poor academic functioning. Dorothy believed Darrin was a lonely youngster. He had mainly adults around him most of his life. She recalled that she was a nervous and very young mother, and that she screamed at Darrin a lot and referred to this as, "my bad part." (Appendix C).

During the school evaluation, Darrin reported that he had been in a number of school placements, the most recent being a special class in Chicago because "I'm not smart." He very openly talked about the fact that he couldn't read and that he got into trouble in class due to not listening, talking back to teachers, and getting mad and shoving desks. Darrin felt that his behavior had improved since coming to Locust; however, he said he didn't like Locust and expressed a desire to return to his previous school. He reported that Locust School was too hard, and the children were not friendly (Appendix C).

According to school reports, Darrin's parents were first made aware of Darrin's school problems in the second grade and yet he didn't receive any special education services until his enrollment in the ERA class at the end of the fifth grade.

In February of 1979, The Wechsler Intelligence Scale for Children-Revised (WISC-R) was again administered and Darrin scored a Verbal IQ of 95, a Performance IQ of 100 and a Full Scale IQ of 96. The Wide Range Achievement Test (WRAT) was also administered and the results indicated that Darrin was reading at the 3rd grade level.

Darrin's scores on the Reading Recognition (3.0), Reading Comprehension (4.5), Spelling (3.5) & Arithmetic (3.5) indicated that his academic skills were significantly below his grade placement and predicted achievement level based upon his chronological age and measured intellectual potential. Darrin's academic work suggested that he had missed out on the basic skills from which to build on academically. (Appendix B, pg. 47-51).

Personality testing and clinical observation suggested that Darrin was a very needy youngster emotionally who impressed as an insecure, anxious youngster who felt inadequate to environmental demands. Darrin had great concern with ego boundaries; fear of loss of self, feeling powerless, and an inability to control himself. It appeared that Darrin was in need of a great deal of external structures and controls in order to help decrease these anxieties. The data also suggested a great need for affection and nurturance that had not been satisfactorily met. Darrin's primary way of dealing with those unmet needs and frustrations was to act out aggressively and angrily. Despite these difficulties, Darrin also displayed some strengths as he did demonstrate a capacity for psychological warmth and exhibited an interest in environment rather than total absorption of self-needs. It was this examiner's opinion that "Darrin at this point in time is at a very fluid and vacillating stage where some degree of re-channeling or redirecting could be accomplished." (Appendix B, pg. 47-51).

Darrin was found eligible for special education and was placed at the Howard Jr. High School, a LDS school for children with emotional and behavioral difficulties. Emotional difficulties were the primary presenting problems interfering with his acquisition of academic skills and his social adjustment. In addition to emotional support in the classroom, the school felt it was important that Darrin's emotional needs be further addressed. Unfortunately, Darrin continued to have problems in this school and was moved to the Arden Shore Day Program for the seventh grade. (Appendix B, pg. 47-51).

Darrin entered Arden Shore Junior High School Day Program in June of 1979 where he was enrolled as a seventh grader in remedial Title I class. Darrin was referred to this school because of behavioral problems in his local school district. He was in the seventh grade but was testing at the third grade level. (Appendix C, pg. 57).

Arden Shore called a conference with Darrin's parents on 12-18-79 because they were concerned about Darrin's acting out behaviors both in and outside of school and were specifically concerned about Darrin's ability to get guns and shoot them off. There was a discussion of Darrin's need for consistent supervision and control (Appendix C, pg. 62). On February 6, 1980 the school called for another parent conference to discuss Darrin's unprovoked acting out "which is reflective of problems generated in the home." (Appendix C, pg. 63).

Darrin's parents weren't interested in Darrin's school progress and failed to attend the parent conference regarding his Individualized Education Program (Appendix C, pg. 60). Darrin was discharged from Arden Shore on May 23, 1980. No exiting tests were given. However, at the time of his discharge Darrin was estimated to be functioning at the following grade levels: Reading Recognition (4.5), Reading Comprehension (4.5) and Mathematics (4.5) (Appendix B, pg. 34). According to the teachers, Darrin worked well in one-to-one situations in academics. However, he sought attention from his peers through inappropriate behaviors, i.e., loud talking, leaving his desk, throwing paper, etc. Darrin, at times, became frustrated over his school assignments and refused to do them although he received good feelings from successes (Appendix B, pg. 34).

Darrin began exhibiting signs of an attention deficit disorder at a young age. Unfortunately, the school system failed to properly diagnose Darrin and failed to provide

appropriate services despite years of documented difficulties and multiple school placements.

D. ADOLESCENCE (12-18)

Darrin's adolescence was replete with depression, loneliness, rejection, anger and isolation from his family. He continued to be shuffled around, endured physical and emotional abuse, had difficulty in school, experienced migraine headaches and seizures, fell deeper into sniffing glue and began experimenting with and using other drugs. Darrin witnessed his parent's marriage fall apart and was placed in the middle of an extremely bitter divorce. He continued to run away and acted out in an attempt to obtain the attention he so desperately needed and wound up getting into trouble in the community. As a result of Darrin's parent's inability to properly supervise and care for Darrin, the Illinois Department of Children and Family Services obtained custody of Darrin. Once in the child welfare system, Darrin was subjected to several inappropriate placements that set him up for failure and contributed to the long list of failures that had already occurred in this young man's life.

▪ SUBSTANCE ABUSE

Darrin continued to sniff glue on a regular basis and began experimenting with and using additional drugs. Dorothy recalls finding glue rags around the house and explained that Darrin use to sit outside in the cold in his truck, without it running, for hours. Looking back, she assumes Darrin was probably getting high from the glue. On one occasion, Dorothy found Darrin high from sniffing glue. She called the police and they came to her house and talked with Darrin but couldn't do anything else. They gave her a hotline phone number that she called but it wasn't helpful. Dorothy explained that back then, if you didn't have money or insurance, you couldn't get any help (Affidavit of Dorothy Newsome). According to a childhood record, "Darrin has been repeatedly into heavy glue sniffing which he must learn to control." (Appendix C, pg. 52). In addition, a DCFS report dated 8-11-81, indicates that Darrin was smoking pot. (Appendix A, pg. 285).

▪ PARENT'S DIVORCE

Darrin's parents fought constantly. Don was an extremely jealous man and Dorothy was untrue to him. Dorothy explained that the marriage was one of constant physical and emotional abuse, and Don stated that the marriage was one of constant infidelities on Dorothy's part. Dorothy reported that the infidelities began shortly after Darrin was born. She was working as a waitress and Don was in prison. She met a man at her job and began secretly dating him and continued to see him after Don was released from prison. According to Dorothy, Don attempted to place an explosive device in this man's car and the device went off during the installation and seriously injured Don's hands and did significant damage to the car. Dorothy explained that this man's car did "blow up" a few weeks later but thankfully the man was not seriously injured. According to Dorothy, no charges were ever pressed against Don. When questioned about this incident, Don responded that he doesn't talk about that incident but did admit that he attempted to scare Dorothy's boyfriend (Affidavit of Dorothy Newsome and Donald Shatner).

Dorothy and Don lived together as husband and wife until December of 1980. The final separation occurred when Don sent Dorothy out of town to see her family and sold their house, all of their furniture, and all of Dorothy's belongings while she was away. Dorothy discovered this when she attempted to call Don on her way home and the new owners, who were given the phone number, answered the phone and told Dorothy they bought the house and were now living there. Dorothy and Darrin had nowhere to live and were forced to stay with one of Dorothy's friends (Affidavit of Dorothy Newsome). According to divorce records, "The Petitioner (Dorothy) has established by competent, material and relevant proof that the Respondent, Donald Gene Shatner, was guilty of extreme and repeated mental cruelty towards the Petitioner (Dorothy) as alleged and charged in her Petition for Dissolution of Marriage without cause or provocation of the part of the Petitioner (Appendix B, pg. 110). In addition, "Husband acknowledges that without consent, signature or approval of wife, he sold the marital premises..." (Appendix B, pg. 110).

Following a bitter battle, Dorothy and Don were divorced in January of 1982. Darrin was devastated by this event but lacked the ability to appropriately express his feelings. Darrin was shuffled back and forth between both parents. One day his mother would want him and he'd stay with her until something went wrong and then he'd be sent to his father's house. Darrin was allowed to stay with his father until something else went wrong and he would be shipped off to someone else. Throughout their marriage and divorce, Dorothy and Don put their needs before Darrin's and constantly placed him in the middle of their arguments.

Dorothy met Mark Dumke in 1982 and they were married in 1989. According to Dorothy, Mark was jealous of Darrin and Darrin was jealous of Mark. The two never really got along (Affidavit of Dorothy Newsome). Dorothy and Mark are still together.

Don moved in with his girlfriend, Joann Weinmann, shortly after he separated from Dorothy and they have been living together ever since. According to Joann, she began dating Don around 1979 and they began living with each other around 1980. She and Don lived with her mother and her two children from a previous marriage. Joann's mother, Evelyn Hallberg, doesn't think Darrin had a very good childhood. She never witnessed anything directly but always had a feeling that something wasn't right. She thought Darrin enjoyed visiting and staying with them on occasion, "I think he got to see what a real family should look like and I think he liked that." (Affidavit of Evelyn Hallberg). Joann believes Darrin felt welcomed at their house but also felt that he had some resentment. "I think it was hard for him to come in to our home and see how happy we were, and how my children were happy, and I think he felt sad because he didn't have that." (Affidavit of Joann Weinmann).

▪ EDUCATION

Darrin continued to have difficulties in school and a decision was made to admit him to the Arden Shore Day Program on June 19, 1979 because of school and community based problems that included lying, stealing, and aggravating and abusive behavior. "Overlying these problems was a low self-concept that worked against Darrin making many, if any, positive gains. In addition, he refused to do academic work both at school and at home." (Appendix B, pg. 40).

Darrin exhibited several strengths and made some positive gains in the day program where he was described as a bright, sensitive youngster who was able to help members of his class work on their problems. He was also able to accept help from his peers and learned to trust them enough so that he could comfortably ask them for help. Through his peer group, he gained some insight into his own behavior. Despite these positive gains, Darrin continued to show problems in the community to the extent that his peer group was unable to sufficiently service him in the day program (Appendix B, pg. 40).

At home, it appeared that Darrin was often without adequate supervision and the methods his parents used to help Darrin were not successful. Although Dorothy and Don attended the weekly group meetings for parents of youngsters in the day program, their attendance was inconsistent and they weren't able to make positive use of suggestions given them. They attended weekly sessions with the program's social worker and although they professed an interest in helping Darrin, they weren't able to carry through on the suggestions given to them.

- DCFS

Given Darrin's growing involvement in community problems and his parent's inability to adequately supervise and control him at home, the Illinois Department of Children and Family Services obtained custody of Darrin when he was approximately twelve years old. This turn of events triggered a cycle of inappropriate residential placements and inadequate clinical services.

- SUNNY RIDGE FAMILY CENTER

On June 17, 1980 DCFS placed Darrin at the Sunny Ridge Family Center, a residential treatment program, located in Wheaton, Illinois. Darrin was admitted due to increasing involvement in community problems and his parent's inability to adequately supervise and control him at home. Darrin had a low self-concept, was refusing to do his academic work both at home and at school, and was without good supervision (Appendix B, pg. 10).

Darrin had a difficult time adjusting to this placement and was "raging" on the average of three times a day. In the process of his rages he attacked others, threatened himself and did bodily harm to himself. The staff felt Darrin needed a great deal of external structures and controls and demonstrated a great need for affection and nurturance that had not been satisfactorily met in the past. They believed that Darrin's primary way of dealing with his unmet needs and frustrations was to act out aggressively and angrily (Appendix B, pg. 8).

Darrin was described as a threat to himself and when the group restrained him, he tried to smash his head on the floor, repeatedly bouncing it on the floor. He ran into his room during one rage and deliberately rammed his head into the edge of the closet, causing himself pain. Darrin also forced himself to vomit, frequently smashed his head into his hand and stated that he wanted to kill himself (Appendix B, pg. 8). In addition to being a threat to himself, Darrin acted out aggressively towards his peers and staff. He was described as acting out in a very primitive manner during his rages, frequently pulling

hair, biting, kicking and screaming. According to staff, Darrin's behavior resembled that of a raging toddler, not a twelve-year-old boy (Appendix B, pg. 8-9). Darrin ran away from Sunny Ridge and went to his parent's house who returned him the next day (Appendix B, pg. 13).

Sunny Ridge gave DCFS a fourteen-day notice demanding Darrin's removal from their program. Darrin was dropped off at his DCFS caseworker's office on July 29, 1980 and officially discharged from this program. Sunny Ridge strongly recommended a program geared towards the emotional needs of much younger child, explaining that Darrin was simply not mature enough to function in their group of boys whose average age was sixteen. Their impression was that Darrin's needs were so overwhelming that he was a danger to himself and to his fellow group members. Darrin was seen as a "seriously disturbed little boy" (Appendix B, pg. 9). Darrin's total length of stay was one month and twelve days.

o ARDEN SHORE HOME FOR BOYS

On July 29, 1980, Darrin was placed at Arden Shore Home for Boys in Lake Bluff, Illinois, just three weeks after his 12th birthday. While in the residence at Arden Shore, Darrin attended classes on campus through the auspices of the Northern Special Education District (Appendix B, pg. 15).

According to academic progress letters written during this period, Darrin continued to have some difficulties at school. Teacher's comments include remarks such as: "Darrin would rather front dumb, play or help others rather than help himself" and "Darrin chose to waste time in completing simple assignments. This greatly slowed his progress" (Appendix B, pg. 24). In addition, "Darrin helped earn an incomplete by trying to get attention by aggravating or humoring the group. Is Darrin laughing now?" (Appendix B, pg. 24).

The following progress letters were written by Edward Bellevage, Darrin's group leader at Arden Shore and were sent to Gail Goldberg, Darrin's DCFS Caseworker, and Karen Brucks, Darrin's juvenile probation officer.

Darrin's first progress letter, dated August 3, 1980 reports, "After hearing Darrin's life story, the group assigned him the following problems: authority, aggravates others, easily angered, easily misled, lying, fronting, drug and alcohol abuse and stealing. The group says Darrin can give good help when he doesn't give up and refuse to handle his responsibility of helping his group. Darrin will often act like he is frustrated in order for the group to focus their attention on him. The group says Darrin often acts like a spoiled little boy." (Appendix B, pg. 16-17).

The second progress report, dated September 30, 1980 reports, "In the dorm, staff see Darrin giving good help when he isn't in one of his lazy moods. When Darrin doesn't want to be part of the solution, he will act like he is frustrated and give up. How can Darrin get frustrated when he isn't helping to begin with? When he is held accountable on this, he will throw a temper tantrum just like a five year old. Does Darrin want to be a baby the rest of his life?" In addition, "Darrin can act like an idiot in front of the whole group, but he says he can't talk to the whole group. Who does Darrin think he is

fooling?" Also, "The group sees Darrin acting like a little baby if he can't get his own way. They say Darrin acts like he doesn't want to be a responsible young man, but wants to be a spoiled little boy his whole life. They say Darrin did a poor job of being dorm-work captain. It's like he wanted someone to do it for him. He will try to get back at group members by bringing up confidential stuff just like a five year old will tell mama what his sister did. The group wants Darrin to grow up because there won't be people to take care of him the rest of his life." Lastly, the group changed Darrin's main problem to low self-image. (Appendix B, pg. 18-19).

In his third progress report, his team leader wrote, "Darrin sees himself needing to get others to feel sorry for him. He doesn't want to realize that he will need to quit fantasizing about the way things should be and needs to start dealing with things the way they really are. Life is not a fairy tale where magically everyone lives happily ever after." (Appendix B, pg. 20-21).

Darrin's fourth progress report, dated December 4, 1980, indicates, "Darrin will often play dumb, forget books, or look for sympathy instead of working on his problems seriously. Does Darrin think this is how you get a home visit?" Also, "Darrin sees himself as having to put 'on a show' when he feels badly. Darrin wants to embarrass himself when he is feeling bad. He will do things like write on his arm or throwing milk in the dining hall. Does doing this help Darrin solve his problems?" (Appendix B, pg. 26-27).

In Darrin's fifth progress report, dated January 21, 1981, his team leader wrote, "Maybe Darrin wants mommy and daddy to take care of him the rest of his life." In addition, "Why doesn't Darrin have the confidence to talk about his feelings before he needs to look like a fool? Does Darrin enjoy constantly looking for negative attention? Darrin sees himself needing to play games to let his group know he feels bad. Does Darrin have a mouth? Can he talk about his feelings before he finds it necessary to act like a baby? Why doesn't Darrin believe in himself?" (Appendix B, pg. 28-29).

Darrin stole a bicycle and attempted to run away from Arden Shore and was picked up by the police. At a dispositional hearing held on January 30, 1981, Darrin was given the option of returning to Arden Shore or going to the Audi Home and Darrin chose what he considered the easy way out and went to the Audi Home. Darrin was officially discharged from Arden Shore Home for Boys on January 30, 1981 and placed in juvenile detention where he spent 30 days. Following his release, Darrin went to live with his mother in Elk Grove Village, Illinois. Darrin was enrolled in Elk Grove Jr. High School. (Appendix B, pg. 30-31).

○ JUVENILE DETENTION CENTER

Darrin was placed in the Juvenile Detention Center on January 16, 1981 and remained at this facility for thirty days. Darrin was released in his mother's care.

○ MOTHER'S HOUSE

Darrin was released to his mother's custody following his thirty-day stay at the Audi Home. Darrin and Dorothy lived in Elk Grove, IL at one of Dorothy's friend's house.

Darrin was enrolled in the local school district and referred to the North Suburban Special Education District (NSSEO) Diagnostic-Prescriptive Classroom for a case study evaluation in order to provide the district with information necessary for program planning.

A psychological evaluation was completed on April 7, 1981. The report indicated that Darrin had a history of behavioral difficulties and was placed in Arden Shore Home for Boys because he frequently ran away and was consequently picked up by the police. Darrin was discharged from Arden Shores and placed in the Audi Home for 30 days after which time he went to live with his mother. Darrin's mother was separated from his father and was staying with friends in Elk Grove, Illinois. According to test results from the Wechsler Intelligence Scale for Children-Revised (WISC-R), Darrin's Verbal IQ was measured at 97, his Performance IQ at 109 and his Full Scale IQ was 102. According to the reporter, the rapport was good and it was her opinion that the results accurately reflected Darrin's capabilities. (Appendix C).

Unfortunately, Darrin continued to have difficulties in school and in the community. Dorothy was overwhelmed with her own problems and unable to focus on Darrin. Dorothy asked Darrin's DCFS caseworker to place him elsewhere and Darrin was moved to a temporary shelter.

o SHELTER, INC

On August 5, 1981 Darrin's DCFS caseworker placed him at the Shelter, Inc. Darrin was in need of a temporary, short-term placement, until a permanent placement could be located.

While at the Shelter, Inc., Darrin had limited contact with his mother who only visited him twice. Darrin seemed to enjoy the visits but they left him with mixed emotions. "It became apparent that Darrin viewed himself in a position of hopelessness and despair. Darrin's feelings towards his mother were a source of continuous conflict and he blamed her for not being able to provide adequate care for him. On the one hand he wanted to be close to her, but on the other, he was extremely angry and saw her as the major contributor to his parent's divorce." (Appendix B, pg. 42-43).

Darrin strove for the acceptance of his peers but was unable to form positive peer relationships, primarily because his interactions were from an assumed position of superiority, either because of past experiences or prior possessions of material goods, either real or unreal. The unrealistic stories that Darrin came up with were of great concern to Shelter staff. They reported that Darrin's reality boundaries were questionable since he was unable to admit that some of the stories he was telling were untrue. Ownership of rare cars, motorcycles, material goods, and illegal activities were the predominant subjects of his stories (Appendix B, pg. 42-43).

Darrin ran away from the Shelter Inc. on August 23, 1981. He removed the receivers from the phones, deflated staff's tires and took the program's van. Darrin ran to his godfather's house and was encouraged to turn himself in, which he did.

In the closing summary, staff wrote, "Even though Darrin's behavior makes it difficult to get close to him, he is a likeable boy. At times he was able to engage in unpretentious conversations, especially when the subject was of mechanical (machine) nature. During such periods his defenses were lowered and a very needy and hurting boy emerged". It was the impression of Jovan Kadar, a group home worker, that Darrin's problems were a result of family instability and unresolved conflicts stemming from and towards his parents (Appendix B, pg. 42-43).

o JUVENILE DETENTION

Following the incident at the Shelter, Inc. Darrin was placed in the Audi Home on or round August 23, 1981 and remained there until a permanent placement was located at Covenant Children's Home.

o COVENANT CHILDREN'S HOME

Darrin was admitted to Covenant Children's Home on October 6, 1981 where staff felt that Darrin's thought process was dominated by unrealistic, mythical and fantasy expression. Darrin seemed to have an obsession with the supernatural and occult and he expressed this in his social interaction with staff and peers. They wrote that, "Darrin's social context, like his behavior, is unrealistic, intangible. Darrin's family is in his thoughts but is not a tangible, realistic primary group for him. His family is on/off/on, and an unstable group for him. His family is not a long term obvious part of his life." (Appendix B, pg. 50-52).

Darrin's mother agreed to visit Darrin on a monthly basis but instead made appointments and/or promises to Darrin but broke them without motive. Darrin would typically act out following these let downs and needed to be isolated for a brief time in order to gain his composure. Staff wrote, "His mother continues to be solely concerned for her own needs and concerns to keep her relationship with Mark afloat. Darrin has a place in her life if he fits himself into her priorities. Deviation signals very strong rejection messages." (Appendix C, pg. 61). While at Covenant Children's Home, Dorothy only visited Darrin three times. Two were unannounced and one was to attend an awards banquet where Darrin received several certificates of recognition for his involvement in sports.

Darrin was not in contact with his father and this was of great concern for Darrin. Reports indicate, "Darrin's father remains inaccessible due to financial and legal problems." A staff member was able to eventually track him down after Darrin's mother relented a previous stance and gave the worker her ex-mother-in-laws phone number. Darrin initiated phone calls with his grandmother and then his father started to call Darrin at the placement. Like his mother, Darrin's father made some commitments to Darrin (more phone calls, visits, and possibly living with him) and failed to follow through. Darrin's father refused to reveal his whereabouts because he was involved in several legal suits. "Darrin attempted to contact his father through his grandmother in mid March but there have been no phone calls from his father to date." (Appendix C).

Darrin attended an on grounds special education B.D. school at Covenant.

Staff wrote, "He no longer exhibits paranoia. He doesn't sleep in his closet or between the bed and the wall." Another worker wrote, "At the time of this writing, I honestly do not feel Darrin feels close to any staff persons here. Despite our efforts, he does not trust us". (Appendix C).

On October 15, 1981, Dr. Louis Assalley conducted a psychiatric evaluation and when asked to make three wishes, Darrin wished to have a good job at home, to have no more problems yelling or having people agitate him and to get married to a beautiful girl and live a happy life.

Darrin experienced several migraine headaches at Covenant. He saw Dr. Assalley, the program's consulting psychiatrist, on October 29, 1981 regarding his headaches. The staff was instructed to log the days and times of Darrin's headaches and provide him with Tylenol for the pain as needed. Darrin also complained about his inability to sleep and was placed on the medication, Ativan for this issue. Darrin later complained of an inability to wake up in the morning because of the medication and the time he took it was adjusted.

As with his other placements, Darrin ran away from Covenant Children's Home on July 25, 1982. Staff felt the run was instigated by the fear of possible outcomes stemming from an appointment with the State Attorney regarding an incident where he and three other residents had broken into a concession stand at a nearby resort. Darrin ran to Pat Ryan's house.

○ PAT RYAN'S HOUSE

According to records, Darrin took a Greyhound bus to Chicago and to Pat Ryan's house. Darrin was intercepted by the Chicago police and held in custody until DCFS could place him in an emergency shelter facility (Appendix A, pg. 264).

○ NEW LIFE HOUSE

Darrin was placed at the Salvation Army New Life House in Chicago, Illinois on July 26, 1982. A Mailgram to Darrin's DCFS caseworker, dated July 27, 1982, reads, "A call was made to your office in regard to your client Darrin Shatner about discharge from our program at New Life House. It is our understanding that you will honor our contract and make alternative provisions for your client within 72 hours." Once again, Darrin was inappropriately placed and the program demanded DCFS remove him after only one day.

It appears that Darrin ran away from this program later that day, a note reads, "Ward ran at 2pm. Left with his bike and did not say where he was going. Police report made at 12am 7/28/82." (Appendix A, pg. 283-284). Darrin's father called to report that Darrin showed up at his doorstep and after several days of negotiations and a court hearing, Darrin was released to the care of his father.

○ FATHER'S HOUSE (Chicago)

Darrin stayed with his father for approximately two weeks. Darrin was enrolled at Prosser Vocational High School on September 8, 1982 and officially withdrew on November 15, 1982. (Appendix C, pg. 67). According to records, things didn't work out

at Darrin's father's house. Darrin ran away and hitchhiked to California and stayed with his uncle Monroe Newsome. Darrin's father neglected to inform DCFS that Darrin was on the run.

- UNCLE MONROE (California)

Darrin lived in an apartment with his uncle Monroe, his wife, and their two children, for approximately six months in Lomita, California. Monroe was the manager of the apartment building and Darrin helped with the maintenance and did some sweeping. According to Darrin, he and his uncle got into a fight and his uncle kicked him out at which point Darrin joined the circus.

- CIRCUS (California)

Darrin became employed with Circus Vargas, a circus that traveled throughout the Southern California area. Darrin stayed with the circus for a couple of weeks and then returned to live with his uncle Monroe.

- UNCLE MONROE (California)

Darrin stayed with his uncle Monroe for a few weeks but ended up in another big fight after Monroe accused Darrin of stealing money from the apartment's washing machines. On or about March 10, 1983, Darrin was assisting his uncle in maintaining the apartments when he allegedly found a key to the motorcycle. Shortly thereafter, he and his uncle got into an argument and his uncle asked him to leave. (Appendix A, pg. 95). According to Darrin, his uncle beat him so he stole the motorcycle and rejoined the circus.

- CIRCUS (California)

Darrin rejoined the circus and was working as a "butcher", selling cotton candy and such when he was arrested by the Burbank Police Department on March 13, 1983 after receiving an anonymous phone call from a circus employee informing them that Darrin was in possession of a stolen motorcycle (Appendix A. pg. 994-104)

- CALIFORNIA JUVENILE DETENTION

Darrin was placed at Sylmar Juvenile Hall on March 13, 1983 and remained there for approximately one month before being sent back to the Illinois authorities. Once back in Illinois, the judge vacated guardianship and returned Darrin to the custody of his mother. Dorothy did not take Darrin home. Instead, she dropped him off at Pat Ryan's house. (Appendix A. pg. 994-104)

- PAT RYAN (Chicago)

Darrin stayed with his godfather, Pat Ryan, for a few weeks and then returned to his mother's house.

- MOTHER'S HOUSE (Chicago)

Darrin stayed with his mother for a little while but was eventually sent to live with his grandmother, Agnes Bentley, in Kentucky.

○ GRANDMOTHER'S HOUSE (Kentucky)

Darrin lived in Kentucky with his grandmother for a few weeks. Darrin's uncle, Basiel Bentley, was also living there at that time. Darrin left his grandmother's house and went to stay with his cousin, Daniel Kiser.

○ DANIEL KISER (Kentucky)

Darrin lived off and on with his cousin, Daniel Kiser, in Louisville, Kentucky for a couple of months. Daniel's brother, Michael Kiser, and his sister, Jerrie Lynn Kiser, were also staying there at the time. Jerrie Lynn recalled that Darrin spent a lot of time sleeping in his truck. She remembers going to her brother's house and finding Darrin outside in his truck crying and threatening to kill himself because nobody cared or wanted him around (Affidavit of Jerrie Lynn Kiser). Darrin and his cousin, Michael, took off to California together.

○ CALIFORNIA

Darrin and Michael hitchhiked to Arizona and then took a bus to California. Darrin was arrested in California for driving a motorcycle on a sidewalk. Darrin told the officers he was an adult and was taken to the Los Angeles County Jail. According to Darrin, he started to flip out in the adult facility and told the officers he was really a juvenile. Darrin was then taken to the juvenile detention center and remained there for approximately six to eight weeks. Darrin and Michael then returned to Kentucky and stayed at Daniel's house.

○ DANIEL KISER (Kentucky)

Darrin stayed in Kentucky with his uncle for a few more weeks and then returned to Chicago

○ CHICAGO

According to Darrin, he spent time with his mother, his father and his godfather but no one really wanted him so he returned to Kentucky and again stayed with his cousin, Daniel Kiser.

○ DANIEL KISER (Kentucky)

Jerrie Lynn recalls that Darrin and her brothers used to fight a lot. She explained that her brother, Daniel, liked smoking, snorting cocaine and smoking marijuana. (Affidavit of Jerrie Lynn Kiser).

○ KENTUCKY TREATMENT CENTER

Darrin was committed to the Kentucky Treatment Center on December 17, 1984 after pleading guilty to 1st degree rape. According to Darrin, he was partying with his cousins, Michael and Daniel, and one of his girlfriends. Darrin explained that he and the girl had consensual sex and afterwards his cousins raped her. Darrin received eight months in a treatment center and Michael and Daniel received an eight and a ten-year sentence. Darrin was released on July 12, 1985, his eighteenth birthday. He spent six months and six days at this placement.